### Comparison of Texas Disciplinary Rules of Professional Conduct with ABA Model Rules

**TEXAS**

Variations from the Model Rules are noted. Rules only; Comment comparison not included.

**Highlight** indicates adoption of Ethics 20-20 Commission August 2012 and February 2013 Rule amendment(s): black-letter or Comment.

| Preamble | 1. Deletes “as a member of the legal profession;” Adds: “Lawyers, as guardians of the law, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct;”
|          | Does not have MR [3];
|          | 3 is MR [4]: Adds “a lawyer should zealously pursue client’s interests within the bounds of the law. In doing so” after “In all professional functions;”
|          | Does not have MR [5]
|          | 5 is MR [6]: Deletes clause, “access to the legal system;” deletes sentence beginning with “In addition;” Combines sentence beginning with “Therefore” with previous sentence, changing “Therefore, all lawyers should devote” to “and should therefore devote;” replaces language following “time” with “and civic influence on their behalf;”
|          | Adds:
|          | 6. A lawyer should render public interest legal service. The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantages can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees is a moral obligation of each lawyer as well as the profession generally. A lawyer may discharge this basic responsibility by providing public interest legal services without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation, the administration of justice, and by financial support for organizations that provide legal services to persons of limited means.
|          | Does not have MR [7] or [8];
|          | 7 is MR [9]: Deletes “however;” deletes language after “lawyer’s own interests;” replaces “The Rules of Responsibility” with “The Texas Disciplinary Rules of Professional Conduct;” replaces “resolving such conflicts” with “resolving such tension;” Adds sentence after “tensions;” “They do so by stating minimum standards of conduct below which no lawyer can fall without being subject to disciplinary action;” adds “however” after “framework
of these Rules;” replaces language after “can arise” with “The Rules and their
Comments constitute a body of principles upon which the lawyer can rely for
guidance in resolving such issues through the exercise of sensitive professional
and moral judgment. In applying these rules, lawyers may find interpretive
guidance in the principles developed in the Comments;”
8. The legal profession has a responsibility to assure that its regulation is
undertaken in the public interest rather than in furtherance of parochial or self-
interested concerns of the bar, and to insist that every lawyer both comply with
its minimum disciplinary standards and aid in securing their observance by
other lawyers. Neglect of these responsibilities compromises the independence
of the profession and the public interest which it serves.
9. Each lawyer’s own conscience is the touchstone against which to test the
extent to which his actions may rise above the disciplinary standards prescribed
by these rules. The desire for the respect and confidence of the members of the
profession and of the society which it serves provides the lawyer the incentive
to attain the highest possible degree of ethical conduct. The possible loss of that
respect and confidence is the ultimate sanction. So long as its practitioners are
guided by these principles, the law will continue to be a noble profession. This
is its greatness and its strength, which permit of no compromise.

Scope
First paragraph:
10. The Texas Disciplinary Rules of Professional Conduct are rules of reason.
The Texas Rules of Professional Conduct define proper conduct for purposes
of professional discipline. They are imperatives, cast in the terms “shall” or
“shall not.” The Comments are cast often in the terms of “may” or “should”
and are permissive, defining areas in which the lawyer has professional
discretion. When a lawyer exercises such discretion, whether by acting or not
acting, no disciplinary action may be taken. The Comments also frequently
illustrate or explain applications of the rules, in order to provide guidance for
interpreting the rules and for practicing in compliance with the spirit of the
rules. The Comments do not, however, add obligations to the rules and no
disciplinary action may be taken for failure to conform to the Comments.
sentence of MR [16]
12. is MR [17]: Adds to beginning: “Most of the duties flowing from the client-
lawyer relationship attach only after the client has requested the lawyer to
render legal services and the lawyer has agreed to do so;” deletes
“Furthermore;” deletes language after “responsibility” and adds to end of
paragraph: “individual circumstances and principles of substantive law external
to these rules determine whether a client-lawyer relationship may be found to
exist. But there are some duties, such as of that of confidentiality, that may
attach before a client-lawyer relationship has been established;”
13. is MR [18]: Moves “The responsibilities of government lawyers” to
beginning of paragraph; adds as second-to-last sentence: “They also may have
authority to represent the public interest in circumstances where a private
lawyer would not be authorized to do so;”
Does not have MR [19] through [21] but adds instead:

14. These rules make no attempt to prescribe either disciplinary procedures or penalties for violation of a rule.

15. These rules do not undertake to define standards of civil liability of lawyers for professional conduct. Violation of a rule does not give rise to a private cause of action nor does it create any presumption that a legal duty to a client has been breached. Likewise, these rules are not designed to be standards for procedural decisions. Furthermore, the purpose of these rules can be abused when they are invoked by opposing parties as procedural weapons. The fact that a rule is a just basis for a lawyer’s self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of the rule. Accordingly, nothing in the rules should be deemed to augment any substantive legal duty of lawyers or the extradisciplinary consequences of violating such a duty.

16. Moreover, these rules are not intended to govern or affect judicial application of either the attorney-client or work product privilege. The fact that in exceptional situations the lawyer under the Rules has a limited discretion to disclose a client confidence does not vitiate the proposition that, as a general matter, the client has a reasonable expectation that information relating to the client will not be voluntarily disclosed and that disclosure of such information may be judicially compelled only in accordance with recognized exceptions to the attorney-client and work product privileges.

<table>
<thead>
<tr>
<th>Rule 1.0</th>
<th>Adds:</th>
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<tr>
<td>“Adjudicatory Official” denotes a person who serves on a Tribunal.</td>
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<td>“Adjudicatory Proceeding” denotes the consideration of a matter by a Tribunal.</td>
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<td>Does not have “Confirmed in Writing;”</td>
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<td>Adds:</td>
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<td>“Consult” or “Consultation” denotes communication of information and advice reasonably sufficient to permit the client to appreciate the significance of the matter in question.</td>
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<td>“Firm:” Changes language after “lawyers” to “in a private firm; or a lawyer or lawyers employed in the legal department of a corporation, legal services organization, or other organization, or in a unit of government;”</td>
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<td>Adds:</td>
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<td>“Fitness” denotes those qualities of physical, mental and psychological health that enable a person to discharge a lawyer’s responsibilities to clients in conformity with the Texas Disciplinary Rules of Professional Conduct. Normally a lack of fitness is indicated most clearly by a persistent inability to discharge, or unreliability in carrying out, significant obligations.</td>
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<td>“Fraud:” Changes language after “conduct” to “having a purpose to deceive and not merely negligent misrepresentation or failure to apprise another of relevant information;”</td>
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<td>Does not have “informed consent;”</td>
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<td>Adds:</td>
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| **Rule 1.1** | Changes title to: “Competent and Diligent Representation;”  
| | Changes language of Rule to:  
| | (a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer’s competence, unless:  
| | (1) another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter; or  
| | (2) the advice or assistance of the lawyer is reasonably required in an emergency and the lawyer limits the advice and assistance to that which is reasonably necessary in the circumstances.  
| | (b) In representing a client, a lawyer shall not:  
| | (1) neglect a legal matter entrusted to the lawyer; or  
| | (2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.  
| | (c) As used in this Rule neglect signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.  
| **Rule 1.2** | Changes title to: “Scope and Objectives of Representation”  
| | (a) Adds reference to paragraphs (b), (e), (f), and (g); adds “and general methods” after “the objectives;” deletes language after “methods of representation;” Adds:  
| | (1) concerning the objectives and general methods of representation;  
| | (2) whether to accept an offer of settlement of a matter, except as otherwise authorized by law;  

“Law firm”: see Firm.  
“Partner:” Changes “a member of a partnership” to “an individual or corporate member of a partnership or a,” deletes language after “corporation;”  
Adds:  
“Person” includes a legal entity as well as an individual.  
Changes “reasonably should know” to simply “should know;”  
Does not have “Screened;”  
“Substantial:” Changes language after “denotes” to “a matter of meaningful significance or involvement;”  
“Tribunal:” Changes language to:  
“Tribunal” denotes any governmental body or official or any other person engaged in a process of resolving a particular dispute or controversy. Tribunal includes such institutions as courts and administrative agencies when engaging in adjudicatory or licensing activities as defined by applicable law or rules of practice or procedure, as well as judges, magistrates, special masters, referees, arbitrators, mediators, hearing officers and comparable persons empowered to resolve or to recommend a resolution of a particular matter; but it does not include jurors, prospective jurors, legislative bodies or their committees, members or staffs, nor does it include other governmental bodies when acting in a legislative or rule-making capacity.  
Does not have “Writing.”
(3) In a criminal case, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial, and whether the client will testify.

Does not have MR (b);

(b) is similar to MR (c) but changes language after “scope” with “objectives and general methods of the representation if the client consents after consultation;”

(c) is similar to MR (d): *A lawyer shall not assist or counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent. A lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel and represent a client in connection with the making of a good faith effort to determine the validity, scope, meaning or application of the law.***

Adds:

(d) *When a lawyer has confidential information clearly establishing that a client is likely to commit a criminal or fraudulent act that is likely to result in substantial injury to the financial interests or property of another, the lawyer shall promptly make reasonable efforts under the circumstances to dissuade the client from committing the crime or fraud.*

(e) *When a lawyer has confidential information clearly establishing that the lawyer’s client has committed a criminal or fraudulent act in the commission of which the lawyer’s services have been used, the lawyer shall make reasonable efforts under the circumstances to persuade the client to take corrective action.*

(f) *When a lawyer knows that a client expects representation not permitted by the rules of professional conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer’s conduct.*

(g) *A lawyer shall take reasonable action to secure the appointment of a guardian or other legal representative for, or seek other protective orders with respect to, a client whenever the lawyer reasonably believes that the client lacks legal competence and that such action should be taken to protect the client.*

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<th>Rule 1.3</th>
<th>Does not have.</th>
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| Rule 1.4 | Rule 1.03 is MR 1.4;  
(a) *A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.*  
(b) *A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.* |
| Rule 1.5 | Texas Rule 1.04 is MR Rule 1.5.  
(a) Changes “make an agreement” to “enter into an agreement;” changes language after “or collect” to: “an illegal fee or unconscionable fee;” in last sentence, changes “unreasonable” to “unconscionable;”  
(b) is similar to last sentence of MR (a), but adds before “the following;” “but not to the exclusion of other relevant factors;” |
(b)(8) Adds to end: “on results obtained or uncertainty of collection before the legal services have been rendered;”

Does not have MR (b) but adds instead:

(c) When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

(d) is similar to MR (c), but changes reference in first sentence to paragraph (e) instead of (d); In sentence beginning with “A contingent fee,” ends sentence after “determined” and adds: “If there is to be a differentiation in the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, the percentage for each shall be stated; Replaces language in sentence beginning with “The agreement” with “shall state the litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated;”

(e) is MR (d) and (d)(2) combined; does not have MR (d)(1);

(f) similar to MR (e) but adds “or arrangement for division” after “A division;”

(f)(1) is divided into two subparagraphs: (f)(1)(i) is the same as the first part of (f)(1), and (f)(1)(ii) is similar to second part, but replaces “each lawyer assumes” with “made between lawyers who assume;”

(f)(2) is similar to MR (e) but changes language to:

(2) the client consents in writing to the terms of the arrangement prior to the time of the association or referral proposed, including:

(i) the identity of all lawyers or law firms who will participate in the fee-sharing arrangement, and

(ii) whether fees will be divided based on the proportion of services performed or by lawyers agreeing to assume joint responsibility for the representation, and

(iii) the share of the fee that each lawyer or law firm will receive or, if the division is based on the proportion of services performed, the basis on which the division will be made; and

(f)(3) is equivalent to MR (e)(3) but changes language to:“(3) the aggregate fee does not violate paragraph (a);”

Adds to end:

(g) Every agreement that allows a lawyer or law firm to associate other counsel in the representation of a person, or to refer the person to other counsel for such representation, and that results in such an association with or referral to a different law firm or a lawyer in such a different firm, shall be confirmed by an arrangement conforming to paragraph (f). Consent by a client or a prospective client without knowledge of the information specified in subparagraph (f) (2) does not constitute a confirmation within the meaning of this rule. No attorney shall collect or seek to collect fees or expenses in connection with any such agreement that is not confirmed in that way, except for:

(1) the reasonable value of legal services provided to that person; and

(2) the reasonable and necessary expenses actually incurred on behalf of that
(h) Paragraph (f) of this rule does not apply to payment to a former partner or associate pursuant to a separation or retirement agreement, or to a lawyer referral program certified by the State Bar of Texas in accordance with the Texas Lawyer Referral Service Quality Act, Tex. Occ. Code 952.001 et seq., or any amendments or recodifications thereof.

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<th>Rule 1.6</th>
<th>Texas Rule 1.05 is MR 1.6</th>
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<td><strong>Confidentiality of Information</strong></td>
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<td>(a) “Confidential information” includes both “privileged information” and “unprivileged client information.” “Privileged information” refers to the information of a client protected by the lawyer-client privilege of Rule 503 of the Texas Rules of Evidence or of Rule 503 of the Texas Rules of Criminal Evidence or by the principles of attorney-client privilege governed by Rule 501 of the Federal Rules of Evidence for United States Courts and Magistrates. “Unprivileged client information” means all information relating to a client or furnished by the client, other than privileged information, acquired by the lawyer during the course of or by reason of the representation of the client.</td>
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<td>(b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e) and (f), a lawyer shall not knowingly: (1) Reveal confidential information of a client or a former client to: (i) a person that the client has instructed is not to receive the information; or (ii) anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyer's law firm. (2) Use confidential information of a client to the disadvantage of the client unless the client consents after consultation. (3) Use confidential information of a former client to the disadvantage of the former client after the representation is concluded unless the former client consents after consultation or the confidential information has become generally known. (4) Use privileged information of a client for the advantage of the lawyer or of a third person, unless the client consents after consultation.</td>
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<td>(c) A lawyer may reveal confidential information: (1) When the lawyer has been expressly authorized to do so in order to carry out the representation. (2) When the client consents after consultation. (3) To the client, the client's representatives, or the members, associates, and employees of the lawyer's firm, except when otherwise instructed by the client. (4) When the lawyer has reason to believe it is necessary to do so in order to comply with a court order, a Texas Disciplinary Rules of Professional Conduct, or other law. (5) To the extent reasonably necessary to enforce a claim or establish a defense on behalf of the lawyer in a controversy between the lawyer and the client. (6) To establish a defense to a criminal charge, civil claim or disciplinary complaint against the lawyer or the lawyer's associates based upon conduct involving the client or the representation of the client. (7) When the lawyer has reason to believe it is necessary to do so in order to prevent the client from committing a criminal or fraudulent act. (8) To the extent revelation reasonably appears necessary to rectify the consequences of a client's criminal</td>
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or fraudulent act in the commission of which the lawyer's services had been used.

(d) A lawyer also may reveal unprivileged client information: (1) When impliedly authorized to do so in order to carry out the representation. (2) When the lawyer has reason to believe it is necessary to do so in order to: (i) carry out the representation effectively; (ii) defend the lawyer or the lawyer's employees or associates against a claim of wrongful conduct; (iii) respond to allegations in any proceeding concerning the lawyer's representation of the client; or (iv) prove the services rendered to a client, or the reasonable value thereof, or both, in an action against another person or organization responsible for the payment of the fee for services rendered to the client.

(e) When a lawyer has confidential information clearly establishing that a client is likely to commit a criminal or fraudulent act that is likely to result in death or substantial bodily harm to a person, the lawyer shall reveal confidential information to the extent revelation reasonably appears necessary to prevent the client from committing the criminal or fraudulent act.

(f) A lawyer shall reveal confidential information when required to do so by Rule 3.03(a)(2), 3.03(b), or by Rule 4.01(b).

Rule 1.7  
Texas Rules 1.06 and 1.07 are MR Rule 1.7  

Conflict of Interest: General Rule

(a) A lawyer shall not represent opposing parties to the same litigation.  

(b) In other situations and except to the extent permitted by paragraph (c), a lawyer shall not represent a person if the representation of that person: (1) involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer's firm; or (2) reasonably appears to be or become adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests.

(c) A lawyer may represent a client in the circumstances described in (b) if: (1) the lawyer reasonably believes the representation of each client will not be materially affected; and (2) each affected or potentially affected client consents to such representation after full disclosure of the existence, nature, implications, and possible adverse consequences of the common representation and the advantages involved, if any.

(d) A lawyer who has represented multiple parties in a matter shall not thereafter represent any of such parties in a dispute among the parties arising out of the matter, unless prior consent is obtained from all such parties to the dispute.

(e) If a lawyer has accepted representation in violation of this Rule, or if multiple representation properly accepted becomes improper under this Rule, the lawyer shall promptly withdraw from one or more representations to the extent necessary for any remaining representation not to be in violation of these Rules.
(f) If a lawyer would be prohibited by this Rule from engaging in particular conduct, no other lawyer while a member or associated with that lawyer's firm may engage in that conduct.

Conflict of Interest: Intermediary
(a) A lawyer shall not act as intermediary between clients unless: (1) the lawyer consults with each client concerning the implications of the common representation, including the advantages and risks involved, and the effect on the attorney-client privileges, and obtains each client's written consent to the common representation; (2) the lawyer reasonably believes that the matter can be resolved without the necessity of contested litigation on terms compatible with the clients' best interests, that each client will be able to make adequately informed decisions in the matter and that there is little risk of material prejudice to the interests of any of the clients if the contemplated resolution is unsuccessful; and (3) the lawyer reasonably believes that the common representation can be undertaken impartially and without improper effect on other responsibilities the lawyer has to any of the clients.

(b) While acting as intermediary, the lawyer shall consult with each client concerning the decision to be made and the considerations relevant in making them, so that each client can make adequately informed decisions.

(c) A lawyer shall withdraw as intermediary if any of the clients so requests, or if any of the conditions stated in paragraph (a) is no longer satisfied. Upon withdrawal, the lawyer shall not continue to represent any of the clients in the matter that was the subject of the intermediation.

(d) Within the meaning of this Rule, a lawyer acts as intermediary if the lawyer represents two or more parties with potentially conflicting interests.

(e) If a lawyer would be prohibited by this Rule from engaging in particular conduct, no other lawyer while a member of or associated with that lawyer's firm may engage in that conduct.

Rule 1.8
Changes title to: “Conflict of Interest: Prohibited Transactions;”
(a) Deletes language between “client” and “unless;”
Replaces MR(a)(2) and (3) with:
(2) the client is given a reasonable opportunity to seek the advice of independent counsel in the transaction; and
(3) the client consents in writing thereto.
Does not have MR (b);
(b) is equivalent to MR (c) but changes language:
(b) A lawyer shall not prepare an instrument giving the lawyer or a person related to the lawyer as a parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee.
(c) Similar to MR (d) but deletes “of representation of a client” and adds instead: “of all aspects of the matter giving rise to the lawyers employment;” adds “with a client, prospective client, or former client” before “giving the lawyer;”
(d) is MR (e); (d)(1) Adds “or guarantees” after “may advance;” adds “or administrative proceedings, and reasonably necessary medical and living expenses;”
(e) is similar to MR (f) but in (e)(1) changes “gives informed consent” to “consents;”
(e)(3) Makes reference to Rule 1.05 instead of Rule 1.6;
(f) is similar to MR (g) but changes “The lawyer’s disclosure shall include” to “including” and combines with first sentence;
(g) is similar to MR (f)(1) and (2) but changes language after “unless” to “permitted by law and the client is independently represented in making the agreement, or settle a claim for such liability with an unrepresented client or former client without first advising that person in writing that independent representation is appropriate in connection therewith;”
(h) is similar to (i) but replaces language in (2) to:
(2) contract in a civil case with a client for a contingent fee that is permissible under Rule 1.04.
Does not have MR (j) or (k);
Adds:
(i) If a lawyer would be prohibited by this Rule from engaging in particular conduct, no other lawyer while a member of or associated with that lawyer’s firm may engage in that conduct.
(j) As used in this Rule, “business transactions” does not include standard commercial transactions between the lawyer and the client for products or services that the client generally markets to others.

Rule 1.9  Texas Rule 1.09 is similar to MR Rule 1.9
Conflict of Interest: Former Client
(a) Without prior consent, a lawyer who personally has formerly represented a client in a matter shall not thereafter represent another person in a matter adverse to the former client:
(1) in which such other person questions the validity of the lawyer’s services or work product for the former client;
(2) if the representation in reasonable probability will involve a violation of Rule 1.05; or
(3) if it is the same or a substantially related matter.
(b) Except to the extent authorized by Rule 1.10, when lawyers are or have become members of or associated with a firm, none of them shall knowingly represent a client if any one of them practicing alone would be prohibited from doing so by paragraph (a).
(c) When the association of a lawyer with a firm has terminated, the lawyers who were then associated with that lawyer shall not knowingly represent a client if the lawyer whose association with that firm has terminated would be prohibited from doing so by paragraph (a)(1) or if the representation in reasonable probability will involve a violation of Rule 1.05.

Rule 1.10  1.10 Successive Government and Private Employment
(a) Except as law may otherwise expressly permit, a lawyer shall not represent a private client in connection with a matter in which the lawyer participated
personally and substantially as a public officer or employee, unless the appropriate government agency consents after consultation.

(b) No lawyer in a firm with which a lawyer subject to paragraph (a) is associated may knowingly undertake or continue representation in such a matter unless:

(1) The lawyer subject to paragraph (a) is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is given with reasonable promptness to the appropriate government agency.

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows or should know is confidential government information about a person or other legal entity acquired when the lawyer was a public officer or employee may not represent a private client whose interests are adverse to that person or legal entity.

(d) After learning that a lawyer in the firm is subject to paragraph (c) with respect to a particular matter, a firm may undertake or continue representation in that matter only if that disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom.

(e) Except as law may otherwise expressly permit, a lawyer serving as a public officer or employee shall not:

(1) Participate in a matter involving a private client when the lawyer had represented that client in the same matter while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyers stead in the matter; or

(2) Negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially.

(f) As used in this rule, the term matter does not include regulation-making or rule-making proceedings or assignments, but includes:

(1) Any adjudicatory proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge accusation, arrest or other similar, particular transaction involving a specific party or parties; and

(2) any other action or transaction covered by the conflict of interest rules of the appropriate government agency.

(g) As used in this rule, the term confidential government information means information which has been obtained under governmental authority and which, at the time this rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.

(h) As used in this Rule, Private Client includes not only a private party but also a governmental agency if the lawyer is not a public officer or employee of that agency.

(i) A lawyer who serves as a public officer or employee of one body politic after having served as a public officer of another body politic shall comply with
paragraphs (a) and (c) as if the second body politic were a private client and with paragraph (e) as if the first body politic were a private client.

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<th>Rule 1.11</th>
<th><strong>Adjudicatory Official or Law Clerk</strong></th>
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<td>(a) A lawyer shall not represent anyone in connection with a matter in which the lawyer has passed upon the merits or otherwise participated personally and substantially as an adjudicatory official or law clerk to an adjudicatory official, unless all parties to the proceeding consent after disclosure.</td>
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<td>(b) A lawyer who is an adjudicatory official shall not negotiate for employment with any person who is involved as a party or as attorney for a party in a pending matter in which that official is participating personally and substantially. A lawyer serving as a law clerk to an adjudicatory official may negotiate for employment with a party or attorney involved in a matter in which the clerk is participating personally and substantially, but only after the clerk has notified the adjudicatory official.</td>
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<td>(c) If paragraph (a) is applicable to a lawyer, no other lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:</td>
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<td>(1) the lawyer who is subject to paragraph (a) is screened from participation in the matter and is apportioned no part of the fee therefrom; and</td>
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<tr>
<td>(2) written notice is promptly given to the other parties to the proceeding.</td>
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| Rule 1.12 | Does not adopt. |

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<th>Rule 1.13</th>
<th>Texas Rule 1.12 is MR Rule 1.13</th>
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<td>(a) A lawyer employed or retained by an organization represents the entity. While the lawyer in the ordinary course of working relationships may report to, and accept direction from, an entity's duly authorized constituents, in the situations described in paragraph (b) the lawyer shall proceed as reasonably necessary in the best interest of the organization without involving unreasonable risks of disrupting the organization and of revealing information relating to the representation to persons outside the organization.</td>
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<td>(b) A lawyer representing an organization must take reasonable remedial actions whenever the lawyer learns or knows that:</td>
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<tr>
<td>(1) an officer, employee, or other person associated with the organization has committed or intends to commit a violation of a legal obligation to the organization or a violation of law which reasonably might be imputed to the organization;</td>
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<tr>
<td>(2) the violation is likely to result in substantial injury to the organization; and</td>
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<td>(3) the violation is related to a matter within the scope of the lawyer’s representation of the organization.</td>
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<tr>
<td>(c) Except where prior disclosure to persons outside the organization is required by law or other Rules, a lawyer shall first attempt to resolve a violation by taking measures within the organization. In determining the internal procedures, actions or measures that are reasonably necessary in order to comply with paragraphs (a) and (b), a lawyer shall give due consideration to the seriousness of the violation and its consequences, the scope and nature of the lawyers representation, the responsibility in the</td>
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organization and the apparent motivation of the person involved, the policies of the organization concerning such matters, and any other relevant considerations. Such procedures, actions and measures may include, but are not limited to, the following:

(1) asking reconsideration of the matter;
(2) advising that a separate legal opinion on the matter be sought for presentation to appropriate authority in the organization; and
(3) referring the matter to higher authority in the organization, including, if warranted by the seriousness of the matter, referral to the highest authority that can act in behalf of the organization as determined by applicable law.

(d) Upon a lawyer’s resignation or termination of the relationship in compliance with Rule 1.15, a lawyer is excused from further proceeding as required by paragraphs (a), (b) and (c), and any further obligations of the lawyer are determined by Rule 1.05.

(e) In dealing with an organization’s directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when it is apparent that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing or when explanation appears reasonably necessary to avoid misunderstanding on their part.

<table>
<thead>
<tr>
<th>Adds new Rule 1.13</th>
<th>Title: Conflicts: Public Interests Activities</th>
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<tbody>
<tr>
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<td>A lawyer serving as a director, officer or member of a legal services, civic, charitable or law reform organization, apart from the law firm in which the lawyer practices, shall not knowingly participate in a decision or action of the organization: (a) if participating in the decision would violate the lawyer’s obligations to a client under Rule 1.06; or (b) where the decision could have a material adverse effect on the representation of any client of the organization whose interests are adverse to a client of the lawyer.</td>
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<table>
<thead>
<tr>
<th>Rule 1.14</th>
<th>Does not adopt.</th>
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<tbody>
<tr>
<td>Rule 1.15</td>
<td><strong>Texas Rule 1.14 is MR Rule 1.15</strong></td>
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<tr>
<td></td>
<td>(a) Replaces “property…that is” with “property belonging in whole or part to clients or third persons that are;” in second sentence adds “Such” before “funds;” adds “designated as a trust or escrow” before “maintained;” changes “Other property” to “Other client property;” time period is five years;</td>
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<td></td>
<td>Does not have MR (b) or (c);</td>
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<td>(b) is MR (d)</td>
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<td>(c) is similar to MR (e): When in the course of representation a lawyer is in possession of funds or other property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until there is an accounting and severance of their interest. All funds in a trust or escrow account shall be disbursed only to those persons entitled to receive them by virtue of the representation or by law. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separated by the lawyer until the dispute is resolved, and the undisputed portion shall be distributed appropriately.</td>
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</tbody>
</table>
| Rule 1.16 | Texas Rule 1.15 is MR Rule 1.16  
(a) Moves first clause to after “withdraw;”  
(a)(2) Adds “or psychological” before “condition;”  
(a)(3) Adds to end: “with or without good cause;”  
(b) Changes “stated in” to “required by;” changes “may withdraw” and “if” to “shall not withdraw” and “unless;”  
(b)(4) changes “taking action” to “pursuing an action;” adds “or imprudent” after “repugnant;”  
(b)(5) changes “and has been…services” to “including an obligation to pay the lawyer’s fees as agreed;”  
(c) When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.  
(d) Deletes “or incurred” and adds to end: “only if such retention will not prejudice the client in the subject matter of the representation.” |
| Rule 1.17 | Does not adopt. |
| Rule 1.18 | Does not adopt. |
| Rule 2.1 | Has only first sentence of MR, but adds: “advising or otherwise” before “representing.” |
| Rule 2.3 | Texas Rule 2.2 is MR 2.3  
A lawyer shall not undertake an evaluation of a matter affecting a client for the use of someone other than the client unless:  
(a) the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client; and  
(b) the client consents after consultation. |
| Rule 2.4 | Did not adopt. |
| Rule 3.1 | Deletes “in law and fact;” deletes language after “frivolous.” Does not have second sentence of MR. |
| Rule 3.2 | Texas Rule 3.2 Minimizing the Burdens and Delays of Litigation is similar to MR Rule 3.2  
In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter. |
| Rule 3.3 | (a)(1) Adds “material” before “fact;” deletes language after “tribunal;”  
(2) fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act;  
(3) in an ex parte proceeding, fail to disclose to the tribunal an unprivileged fact which the lawyer reasonably believes should be known by that entity for it to make an informed decision;  
(4) is MR (2);  
(5) is similar to MR (3) but adds “or use” after “offer” and deletes language after “false;”  
(b) If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall make a good faith effort to persuade the client to authorize the lawyer to correct or withdraw the false evidence. If such efforts are |
unsuccessful, the lawyer shall take reasonable remedial measures, including disclosure of the true facts.
Does not have MR (b);
(c) Replaces language after “continue” with “until remedial legal measures are no longer reasonably possible;”
Does not have MR (d).

Rule 3.4
Title: Fairness in Adjudicatory Proceedings
a) Adds “in anticipation of a dispute unlawfully” before “alter;” deletes “A lawyer shall not” before “counsel” and adds “or” in its place;
(b) Deletes language after “falsely” and adds instead: “or pay, offer to pay, or acquiesce in the offer or payment of compensation to a witness or other entity contingent upon the content of the testimony of the witness or the outcome of the case. But a lawyer may advance, guarantee, or acquiesce in the payment of:
(1) expenses reasonably incurred by a witness in attending or testifying;
(2) reasonable compensation to a witness for his loss of time in attending or testifying;
(3) a reasonable fee for the professional services of an expert witness.
Adds:
(c) except as stated in paragraph (d), in representing a client before a tribunal:
(1) habitually violate an established rule of procedure or of evidence;
(2) state or allude to any matter that the lawyer does not reasonably believe is relevant to such proceeding or that will not be supported by admissible evidence, or assert personal knowledge of facts in issue except when testifying as a witness;
(3) state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused, except that a lawyer may argue on his analysis of the evidence and other permissible considerations for any position or conclusion with respect to the matters stated herein;
(4) ask any question intended to degrade a witness or other person except where the lawyer reasonably believes that the question will lead to relevant and admissible evidence; or
(5) engage in conduct intended to disrupt the proceedings.
(d) is similar to MR (c) but adds clause, “or advise the client to disobey,” after “disobey;” changes “rules of a tribunal” to “standing rules of or a ruling by a tribunal;” adds “either” before “on an assertion” and adds to end: “or on the client’s willingness to accept any sanctions arising from such disobedience;”
Does not have MR (d) or (e); (e) is MR (f).

Rule 3.5
Maintaining Impartiality of Tribunal
A lawyer shall not:
(a) seek to influence a tribunal concerning a pending matter by means prohibited by law or applicable rules of practice or procedure;
(b) except as otherwise permitted by law and not prohibited by applicable rules of practice or procedure, communicate or cause another to communicate ex parte with a tribunal for the purpose of influencing that entity or person concerning a pending matter other than:
(1) in the course of official proceedings in the cause;
(2) in writing if he promptly delivers a copy of the writing to opposing counsel or the adverse party if he is not represented by a lawyer;
(3) orally upon adequate notice to opposing counsel or to the adverse party if he is not represented by a lawyer.
(c) For purposes of this rule:
(1) “Matter” has the meanings ascribed by it in Rule l.l0(f) of these Rules;
(2) A matter is “pending” before a particular tribunal either when that entity has been selected to determine the matter or when it is reasonably foreseeable that that entity will be so selected.

<table>
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<tr>
<th>Rule 3.6</th>
<th>Texas Rule 3.07 is MR Rule 3.6</th>
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<td>(a) Adds to beginning: “In the course of representing a client;” deletes “who is...of a matter;” replaces “that the lawyer ..know will be” with “a reasonable person would expect to be;” deletes “in the matter;” adds to end: “A lawyer shall not counsel or assist another person to make such a statement;” Does not have MR (b), (c), or (d); Adds instead: (b) A lawyer ordinarily will violate paragraph (a), and the likelihood of a violation increases if the adjudication is ongoing or imminent, by making an extrajudicial statement of the type referred to in that paragraph when the statement refers to: (1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness; or the expected testimony of a party or witness; (2) in a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense; the existence or contents of any confession, admission, or statement given by a defendant or suspect; or that person’s refusal or failure to make a statement; (3) the performance, refusal to perform, or results of any examination or test; the refusal or failure of a person to allow or submit to an examination or test; or the identity or nature of physical evidence expected to be presented; (4) any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration; or (5) information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial. (c) A lawyer ordinarily will not violate paragraph (a) by making an extrajudicial statement of the type referred to in that paragraph when the lawyer merely states: (1) the general nature of the claim or defense; (2) the information contained in a public record; (3) that an investigation of the matter is in progress, including the general scope of the investigation, the offense, claim or defense involved; (4) except when prohibited by law, the identity of the persons involved in the matter; (5) the scheduling or result of any step in litigation;</td>
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<tr>
<td>Rule 3.06</td>
<td>Title: Maintaining Integrity of Jury System</td>
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<td>(a) A lawyer shall not: (1) conduct or cause another, by financial support or otherwise, to conduct a vexatious or harassing investigation of a venireman or juror; or (2) seek to influence a venireman or juror concerning the merits of a pending matter by means prohibited by law or applicable rules of practice or procedure. (b) Prior to discharge of the jury from further consideration of a matter, a lawyer connected therewith shall not communicate with or cause another to communicate with anyone he knows to be a member of the venire from which the jury will be selected or any juror or alternate juror, except in the course of official proceedings. (c) During the trial of a case, a lawyer not connected therewith shall not communicate with or cause another to communicate with a juror or alternate juror concerning the matter. (d) After discharge of the jury from further consideration of a matter with which the lawyer was connected, the lawyer shall not ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence his actions in future jury service. (e) All restrictions imposed by this Rule upon a lawyer also apply to communications with or investigations of members of a family of a venireman or a juror. (f) A lawyer shall reveal promptly to the court improper conduct by a venireman or a juror, or by another toward a venireman or a juror or a member of his family, of which the lawyer has knowledge. (g) As used in this Rule, the terms “matter” and “pending” have the meanings specified in Rule 3.05(c).</td>
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<tr>
<th>Rule 3.7</th>
<th>Texas Rule 3.08 is MR Rule 3.7</th>
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<td>(a) Changes language after “shall not” to “accept or continue employment as an advocate before a tribunal in a contemplated or pending adjudicatory proceeding if the lawyer knows or believes that the lawyer is or may be a witness necessary to establish an essential fact on behalf of the lawyer’s client, unless;” (a)(2) the testimony will relate solely to a matter of formality and there is no reason to believe that substantial evidence will be offered in opposition to the testimony; (a)(3) is MR (a)(2);</td>
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(a)(4) the lawyer is a party to the action and is appearing pro se; or
(a)(5) is equivalent to MR (a)(3) but changes language to:
(5) the lawyer has promptly notified opposing counsel that the lawyer expects to testify in the matter and disqualification of the lawyer would work substantial hardship on the client;
Does not have MR (b);
Adds:
(b) A lawyer shall not continue as an advocate in a pending adjudicatory proceeding if the lawyer believes that the lawyer will be compelled to furnish testimony that will be substantially adverse to the lawyer’s client, unless the client consents after full disclosure.
(c) Without the client’s informed consent, a lawyer may not act as advocate in an adjudicatory proceeding in which another lawyer in the lawyer’s firm is prohibited by paragraphs (a) or (b) from serving as advocate. If the lawyer to be called as a witness could not also serve as an advocate under this Rule, that lawyer shall not take an active role before the tribunal in the presentation of the matter.

Rule 3.8
Texas Rule 3.9 is MR Rule 3.8
(b) refrain from conducting or assisting in a custodial interrogation of an accused unless the prosecutor has made reasonable efforts to be assured that the accused has been advised of any right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;
(c) Replaces “seek” with “initiate or encourage efforts;” replaces language after “important” with “pre-trial, trial or post-trial rights;”
Does not adopt MR (e) through (h);
Adds:
(e) exercise reasonable care to prevent persons employed or controlled by the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.07.

Rule 3.9
Texas Rule 3.10 is MR Rule 3.9
Replaces “legislative body or administrative agency” with “legislative or administrative body;” replaces references to “Rules 3.04(a) through (d), 3.05(a), and 4.01.”

Rule 4.1
(b) Deletes “or law;” replaces language after “person” with “when disclosure is necessary to avoid making the lawyer a party to a criminal act or knowingly assisting a fraudulent act perpetrated by a client.”

Rule 4.2
Title: replaces “Person” with “One”
(a) In representing a client, a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization or entity of government the lawyer knows to be represented by another lawyer regarding that subject, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.
Adds (b) In representing a client a lawyer shall not communicate or cause another to communicate about the subject of representation with a person or
organization a lawyer knows to be employed or retained for the purpose of
conferring with or advising another lawyer about the subject of the
representation, unless the lawyer has the consent of the other lawyer or is
authorized by law to do so.

Adds (c) For the purpose of this rule, organization or entity of government
includes: (1) those persons presently having a managerial responsibility with
an organization or entity of government that relates to the subject of the
representation, or (2) those persons presently employed by such organization
or entity and whose act or omission in connection with the subject of
representation may make the organization or entity of government vicariously
liable for such act or omission.

Adds (d) When a person, organization, or entity of government that is
represented by a lawyer in a matter seeks advice regarding that matter from
another lawyer, the second lawyer is not prohibited by paragraph (a) from
giving such advice without notifying or seeking consent of the first lawyer.

| Rule 4.3 | Deletes all text after first two sentences of MR. |
| Rule 4.4 | Does not adopt MR (b), replaces with:
(b) A lawyer shall not present, participate in presenting, or threaten to present:
(1) criminal or disciplinary charges solely to gain an advantage in a civil
matter; or
(2) civil, criminal or disciplinary charges against a complainant, a witness, or
a potential witness in a bar disciplinary proceeding solely to prevent
participation by the complainant, witness or potential witness therein. |
| Rule 5.1 | Title: Responsibilities of a Partner or Supervisory Lawyer
A lawyer shall be subject to discipline because of another lawyers violation of
these rules of professional conduct if:
(a) The lawyer is a partner or supervising lawyer and orders, encourages, or
knowingly permits the conduct involved; or
(b) The lawyer is a partner in the law firm in which the other lawyer practices,
is the general counsel of a government agency's legal department in which the
other lawyer is employed, or has direct supervisory authority over the other
lawyer, and with knowledge of the other lawyers violation of these rules
knowingly fails to take reasonable remedial action to avoid or mitigate the
consequences of the other lawyers violation.
| Rule 5.2 | Title: Responsibilities of a Supervised Lawyer
Combines two MR sentences into one: Changes “the Rules of Professional
Conduct” to “these rules” throughout; changes “at the direction” to “under the
supervision;” Changes “A subordinate lawyer” to “except that a supervised
lawyer” before “does not violate;” |
| Rule 5.3 | Title: Responsibilities Regarding Nonlawyer Assistants
(a) a lawyer having direct supervisory authority over the nonlawyer shall make
reasonable efforts to ensure that the persons conduct is compatible with the
professional obligations of the lawyer; and
(b) a lawyer shall be subject to discipline for the conduct of such a person that
would be a violation of these rules if engaged in by a lawyer if: |
(1) the lawyer orders, encourages, or permits the conduct involved; or
(2) the lawyer:
   (i) is a partner in the law firm in which the person is employed, retained by, or associated with; or is the general counsel of a government agency’s legal department in which the person is employed, retained by or associated with; or has direct supervisory authority over such person; and
   (ii) with knowledge of such misconduct by the nonlawyer knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of that person’s misconduct.

Rule 5.4
(a)(1) Adds “or a lawful court order” after “associate;”; adds “to the lawyer’s estate to or for the benefit of the lawyer’s heirs or personal representatives, beneficiaries, or former spouse,” after “reasonable period of time; adds “or as otherwise provided by law or court order.” after “lawyers death”.
(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer; and
(a)(3) Deletes “compensation or;”
Does not have (a)(4);
(d)(2) Deletes language after “thereof; or.”

Rule 5.5
Title: Unauthorized Practice of Law
A lawyer shall not:
(a) practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction; or
(b) assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

Rule 5.6
(a) Replaces “shareholders…agreement” with “or employment agreement;”
(b) Adds to end “except that as part of the settlement of a disciplinary proceeding against a lawyer an agreement may be made placing restrictions on the right of that lawyer to practice.”

Rule 5.7
Does not have.

Adds Rule 5.8
Title: Prohibited Discriminatory Activities
(a) A lawyer shall not willfully, in connection with an adjudicatory proceeding, except as provided in paragraph (b), manifest, by words or conduct, bias or prejudice based on race, color, national origin, religion, disability, age, sex, or sexual orientation towards any person involved in that proceeding in any capacity.
(b) Paragraph (a) does not apply to a lawyer’s decision whether to represent a particular person in connection with an adjudicatory proceeding, nor to the process of jury selection, nor to communications protected as “confidential information” under these Rules. See Rule 1.05(a), (b). It also does not preclude advocacy in connection with an adjudicatory proceeding involving any of the factors set out in paragraph (a) if that advocacy:
(i) is necessary in order to address any substantive or procedural issues raised by the proceeding; and  
(ii) is conducted in conformity with applicable rulings and orders of a tribunal and applicable rules of practice and procedure.

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
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<tbody>
<tr>
<td>Rule 6.1</td>
<td>Does not have.</td>
</tr>
<tr>
<td>Rule 6.2</td>
<td>Texas Rule 6.01 is MR Rule 6.2.</td>
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<tr>
<td>Rule 6.3</td>
<td>Does not have.</td>
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<tr>
<td>Rule 6.4</td>
<td>Does not have.</td>
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<tr>
<td>Rule 6.5</td>
<td>Does not have.</td>
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</table>
| Rule 7.1 | Texas Rule 7.02 is MR Rule 7.1  
(a) A lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm. A communication is false or misleading if it:  
(1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;  
(2) contains any reference in a public media advertisement to past successes or results obtained unless (i) the communicating lawyer or member of the law firm served as lead counsel in the matter giving rise to the recovery, or was primarily responsible for the settlement or verdict,  
i(ii) the amount involved was actually received by the client,  
(iii) the reference is accompanied by adequate information regarding the nature of the case or matter and the damages or injuries sustained by the client, and  
(iv) if the gross amount received is stated, the attorney’s fees and litigation expenses withheld from the amount are stated as well;  
(3) is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate these rules or other law;  
(4) compares the lawyer’s services with other lawyers’ services, unless the comparison can be substantiated by reference to verifiable, objective data;  
(5) states or implies that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official;  
(6) designates one or more specific areas of practice in an advertisement in the public media or in a solicitation communication unless the advertising or soliciting lawyer is competent to handle legal matters in each such area of practice; or  
(7) uses an actor or model to portray a client of the lawyer or law firm.  
(b) Rule 7.02(a)(6) does not require that a lawyer be certified by the Texas Board of Legal Specialization at the time of advertising in a specific area of practice, but such certification shall conclusively establish that such lawyer satisfies the requirements of Rule 7.02(a)(6) with respect to the area(s) of practice in which such lawyer is certified. |
(c) A lawyer shall not advertise in the public media or state in a solicitation communication that the lawyer is a specialist except as permitted under Rule 7.04.

(d) Any statement or disclaimer required by these rules shall be made in each language used in the advertisement or solicitation communication with respect to which such required statement or disclaimer relates; provided however, the mere statement that a particular language is spoken or understood shall not alone result in the need for a statement or disclaimer in that language.

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Rule 7.2 Texas Rule 7.04 Advertisements in the Public Media

(a) A lawyer shall not advertise in the public media by stating that the lawyer is a specialist, except as permitted under Rule 7.04(b) or as follows:


(2) A lawyer may permit his or her name to be listed in lawyer referral service offices that meet the requirements of Occupational Code Title 5, Subtitle B, Chapter 952, according to the areas of law in which the lawyer will accept referrals.

(3) A lawyer available to practice in a particular area of law or legal service may distribute to other lawyers and publish in legal directories and legal newspapers (whether written or electronic) a listing or an announcement of such availability. The listing shall not contain a false or misleading representation of special competence or experience, but may contain the kind of information that traditionally has been included in such publications.

(b) A lawyer who advertises in the public media:

(1) shall publish or broadcast the name of at least one lawyer who is responsible for the content of such advertisement; and

(2) shall not include a statement that the lawyer has been certified or designated by an organization as possessing special competence or a statement that the lawyer is a member of an organization the name of which implies that its members possess special competence, except that:

(i) a lawyer who has been awarded a Certificate of Special Competence by the Texas Board of Legal Specialization in the area so advertised, may state with respect to each such area, “Board Certified, area of specialization -- Texas Board of Legal Specialization;” and

(ii) a lawyer who is a member of an organization the name of which implies that its members possess special competence, or who has been certified or designated by an organization as possessing special competence, may include a factually accurate statement of such membership or may include a factually accurate statement, “Certified area of specialization name of certifying
organization,” but such statements may be made only if that organization has been accredited by the Texas Board of Legal Specialization as a bona fide organization that admits to membership or grants certification only on the basis of objective, exacting, publicly available standards (including high standards of individual character, conduct, and reputation) that are reasonably relevant to the special training or special competence that is implied and that are in excess of the level of training and competence generally required for admission to the Bar; and
(3) shall, in the case of infomercial or comparable presentation, state that the presentation is an advertisement;
(i) both verbally and in writing at its outset, after any commercial interruption, and at its conclusion; and
(ii) in writing during any portion of the presentation that explains how to contact a lawyer or law firm.
(c) Separate and apart from any other statements, the statements referred to in paragraph (b) shall be displayed conspicuously, and in language easily understood by an ordinary consumer.
(d) Subject to the requirements of Rules 7.02 and 7.03 and of paragraphs (a), (b), and (c) of this Rule, a lawyer may, either directly or through a public relations or advertising representative, advertise services in the public media, such as (but not limited to) a telephone directory, legal directory, newspaper or other periodical, outdoor display, radio, television, the Internet, or electronic, or digital media.
(e) All advertisements in the public media for a lawyer or firm must be reviewed and approved in writing by the lawyer or a lawyer in the firm.
(f) A copy or recording of each advertisement in the public media and relevant approval referred to in paragraph (e), and a record of when and where the advertisement was used, shall be kept by the lawyer or firm for four years after its last dissemination.
(g) In advertisements in the public media, any person who portrays a lawyer whose services or whose firm’s services are being advertised, or who narrates an advertisement as if he or she were such a lawyer, shall be one or more of the lawyers whose services are being advertised.
(h) If an advertisement in the public media by a lawyer or firm discloses the willingness or potential willingness of the lawyer or firm to render services on a contingent fee basis, the advertisement must state whether the client will be obligated to pay all or any portion of the court costs and, if a client may be liable for other expenses, this fact must be disclosed. If specific percentage fees or fee ranges of contingent fee work are disclosed in such advertisement, it must also disclose whether the percentage is computed before or after expenses are deducted from the recovery.
(i) A lawyer who advertises in the public media a specific fee or range of fees for a particular service shall conform to the advertised fee or range of fees for the period during which the advertisement is reasonably expected to be in circulation or otherwise expected to be effective in attracting clients, unless the advertisement specifies a shorter period; but in no instance is the lawyer
bound to conform to the advertised fee or range of fees for a period of more than one year after the date of publication.

(j) A lawyer or firm who advertises in the public media must disclose the geographic location, by city or town, of the lawyer's or firm's principal office. A lawyer or firm shall not advertise the existence of any office other than the principal office unless:

(1) that other office is staffed by a lawyer at least three days a week; or
(2) the advertisement states:

(i) the days and times during which a lawyer will be present at that office, or
(ii) that meetings with lawyers will be by appointment only.

(k) A lawyer may not, directly or indirectly, pay all or a part of the cost of an advertisement in the public media for a lawyer not in the same firm unless such advertisement discloses the name and address of the financing lawyer, the relationship between the advertising lawyer and the financing lawyer, and whether the advertising lawyer is likely to refer cases received through the advertisement to the financing lawyer.

(l) If an advertising lawyer knows or should know at the time of an advertisement in the public media that a case or matter will likely be referred to another lawyer or firm, a statement of such fact shall be conspicuously included in such advertisement.

(m) No motto, slogan or jingle that is false or misleading may be used in any advertisement in the public media.

(n) A lawyer shall not include in any advertisement in the public media the lawyer's association with a lawyer referral service unless the lawyer knows or reasonably believes that the lawyer referral service meets the requirements of Occupational Code Title 5, Subtitle B, Chapter 952.

(o) A lawyer may not advertise in the public media as part of an advertising cooperative or venture of two or more lawyers not in the same firm unless each such advertisement:

(1) states that the advertisement is paid for by the cooperating lawyers;
(2) names each of the cooperating lawyers;
(3) sets forth conspicuously the special competency requirements required by Rule 7.04(b) of lawyers who advertise in the public media;
(4) does not state or imply that the lawyers participating in the advertising cooperative or venture possess professional superiority, are able to perform services in a superior manner, or possess special competence in any area of law advertised, except that the advertisement may contain the information permitted by Rule 7.04(b)(2); and
(5) does not otherwise violate the Texas Disciplinary Rules of Professional Conduct.

(p) Each lawyer who advertises in the public media as part of an advertising cooperative or venture shall be individually responsible for:

(1) ensuring that each advertisement does not violate this Rule; and
(2) complying with the filing requirements of Rule 7.07.

(q) If these rules require that specific qualifications, disclaimers or disclosures of information accompany communications concerning a lawyer's
services, the required qualifications, disclaimers or disclosures must be presented in the same manner as the communication and with equal prominence.

(r) A lawyer who advertises on the Internet must display the statements and disclosures required by Rule 7.04.

<table>
<thead>
<tr>
<th>Rule 7.3</th>
<th>Title: Prohibited Solicitations and Payments</th>
</tr>
</thead>
</table>
| (a) A lawyer shall not by in-person contact, or by regulated telephone or other electronic contact as defined in paragraph (f) seek professional employment concerning a matter arising out of a particular occurrence or event, or series of occurrences or events, from a prospective client or nonclient who has not sought the lawyer's advice regarding employment or with whom the lawyer has no family or past or present attorney-client relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. Notwithstanding the provisions of this paragraph, a lawyer for a qualified nonprofit organization may communicate with the organization's members for the purpose of educating the members to understand the law, to recognize legal problems, to make intelligent selection of counsel, or to use legal services. In those situations where in-person or telephone or other electronic contact is permitted by this paragraph, a lawyer shall not have such a contact with a prospective client if:

1. the communication involves coercion, duress, fraud, overreaching, intimidation, undue influence, or harassment;
2. the communication contains information prohibited by Rule 7.02(a); or
3. the communication contains a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(b) A lawyer shall not pay, give, or offer to pay or give anything of value to a person not licensed to practice law for soliciting prospective clients for, or referring clients or prospective clients to, any lawyer or firm, except that a lawyer may pay reasonable fees for advertising and public relations services rendered in accordance with this Rule and may pay the usual charges of a lawyer referral service that meets the requirements of Occupational Code Title 5, Subtitle B, Chapter 952.

(c) A lawyer, in order to solicit professional employment, shall not pay, give, advance, or offer to pay, give, or advance anything of value, other than actual litigation expenses and other financial assistance as permitted by Rule 1.08(d), to a prospective client or any other person; provided however, this provision does not prohibit the payment of legitimate referral fees as permitted by Rule 1.04(f) or by paragraph (b) of this Rule.

(d) A lawyer shall not enter into an agreement for, charge for, or collect a fee for professional employment obtained in violation of Rule 7.03(a), (b), or (c).

(e) A lawyer shall not participate with or accept referrals from a lawyer referral service unless the lawyer knows or reasonably believes that the lawyer referral service meets the requirements of Occupational Code Title 5, Subtitle B, Chapter 952.
<table>
<thead>
<tr>
<th>Rule 7.4</th>
<th>Does not adopt.</th>
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</thead>
<tbody>
<tr>
<td>Rule 7.5</td>
<td>Texas Rule 7.1 is MR Rule 7.5</td>
</tr>
<tr>
<td>(a) A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm, except that the names of a professional corporation, professional association, limited liability partnership, or professional limited liability company may contain “P.C.,” “P.A.,” “L.L.P.,” “P.L.L.C.,” or similar symbols indicating the nature of the organization, and if otherwise lawful a firm may use as, or continue to include in, its name the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. Nothing herein shall prohibit a married woman from practicing under her maiden name.</td>
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<tr>
<td>(c) Replaces language before “shall not be” with “(c) The name of a lawyer occupying a judicial, legislative, or public executive or administrative Position;”</td>
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<tr>
<td>(d) A lawyer shall not hold himself or herself out as being a partner, shareholder, or associate with one or more other lawyers unless they are in fact partners, shareholders, or associates.</td>
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<tr>
<td>(e) A lawyer shall not advertise in the public media or seek professional employment by any communication under a trade or fictitious name, except that a lawyer who practices under a firm name as authorized by paragraph (a) of this Rule may use that name in such advertisement or communication but only if that name is the firm name that appears on the lawyer’s letterhead, business cards, office sign, fee contracts, and with the lawyer’s signature on pleadings and other legal documents.</td>
<td></td>
</tr>
<tr>
<td>Rule 7.6</td>
<td>Does not adopt.</td>
</tr>
<tr>
<td>Adds new Rule 7.05</td>
<td>Title: Prohibited Written, Electronic, Or Digital Solicitations</td>
</tr>
</tbody>
</table>
| (a) A lawyer shall not send, deliver, or transmit or knowingly permit or knowingly cause another person to send, deliver, or transmit a written, audio, audio-visual, digital media, recorded telephone message, or other electronic communication to a prospective client for the purpose of obtaining professional employment on behalf of any lawyer or law firm if: (1) the communication involves coercion, duress, fraud, overreaching, intimidation, undue influence, or harassment; (2) the communication contains information prohibited by Rule 7.02 or fails to satisfy each of the requirements of Rule 7.04(a) through (c), and (g) through (q) that would be applicable to the
communication if it were an advertisement in the public media; or (3) the communication contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. (b) Except as provided in paragraph (f) of this Rule, a written, electronic, or digital solicitation communication to prospective clients for the purpose of obtaining professional employment: (1) shall, in the case of a non-electronically transmitted written communication, be plainly marked “ADVERTISEMENT” on its first page, and on the face of the envelope or other packaging used to transmit the communication. If the written communication is in the form of a self-mailing brochure or pamphlet, the word “ADVERTISEMENT” shall be: (i) in a color that contrasts sharply with the background color; and (ii) in a size of at least 3/8" vertically or three times the vertical height of the letters used in the body of such communication, whichever is larger (2) shall, in the case of an electronic mail message, be plainly marked “ADVERTISEMENT” in the subject portion of the electronic mail and at the beginning of the message’s text; (3) shall not be made to resemble legal pleadings or other legal documents; (4) shall not reveal on the envelope or other packaging or electronic mail subject line used to transmit the communication, or on the outside of a self-mailing brochure or pamphlet, the nature of the legal problem of the prospective client or non-client; and (5) shall disclose how the lawyer obtained the information prompting the communication to solicit professional employment if such contact was prompted by a specific occurrence involving the recipient of the communication, or a family member of such person(s). (c) Except as provided in paragraph (f) of this Rule, an audio, audio-visual, digital communication sent to prospective clients for the purpose of obtaining professional employment: (1) shall, in the case of any such communication delivered to the recipient by nonelectronic means, plainly and conspicuously state in writing on the outside of any envelope or other packaging used to transmit the communication, that it is an “ADVERTISEMENT.” (2) shall not reveal on any such envelope or other packaging the nature of the legal problem of the prospective client or non-client; (3) shall disclose, either in the communication itself or in accompanying transmittal message, how the lawyer obtained the information prompting such audio, audio-visual, digital communication to solicit professional employment, if such contact was prompted by a specific occurrence involving the recipient of the communication or a family member of such person(s); (4) shall, in the case of a recorded audio presentation or a recorded telephone message, plainly state that it is an advertisement prior to any other words being spoken and again at the presentation’s or message’s conclusion; and (5) shall, in the case of an audio-visual or digital media presentation, plainly state that the presentation is an advertisement: (i) both verbally and in writing at the outset of the presentation and again at its conclusion; and (ii) in writing during any portion of the presentation that explains how to contact a lawyer or law firm. (d) All written, audio, audio-
**visual, digital media, recorded telephone message, or other electronic communications made to a prospective client for the purpose of obtaining professional employment of a lawyer or law firm must be reviewed and either signed by or approved in writing by the lawyer or a lawyer in the firm. (e) A copy of each written, audio, audio-visual, digital media, recorded telephone message, or other electronic solicitation communication, the relevant approval thereof, and a record of the date of each such communication; the name, address, telephone number, or electronic address to which each such communication was sent; and the means by which each such communication was sent shall be kept by the lawyer or firm for four years after its dissemination. (f) The provisions of paragraphs (b) and (c) of this Rule do not apply to a written, audio, audiovisual, digital media, recorded telephone message, or other form, of electronic solicitation communication: (1) directed to a family member or a person with whom the lawyer had or has an attorney client relationship; (2) that is not motivated by or concerned with a particular past occurrence or event or a particular series of past occurrences or events, and also is not motivated by or concerned with the prospective client’s specific existing legal problem of which the lawyer is aware; (3) if the lawyer’s use of the communication to secure professional employment was not significantly motivated by a desire for, or by the possibility of obtaining, pecuniary gain; or (4) that is requested by the prospective client.

**Adds new Rule 7.06**

**Title: Prohibited Employment**

(a) A lawyer shall not accept or continue employment in a matter when that employment was procured by conduct prohibited by any of Rules 7.01 through 7.05, 8.04(a)(2), or 8.04(a)(9), engaged in by that lawyer personally or by any other person whom the lawyer ordered, encouraged, or knowingly permitted to engage in such conduct. (b) A lawyer shall not accept or continue employment in a matter when the lawyer knows or reasonably should know that employment was procured by conduct prohibited by any of Rules 7.01 through 7.05, 8.04(a)(2), or 8.04(a)(9), engaged in by any other person or entity that is a shareholder, partner, or member of, an associate in, or of counsel to that lawyer's firm; or by any other person whom any of the foregoing persons or entities ordered, encouraged, or knowingly permitted to engage in such conduct. (c) A lawyer who has not violated paragraph (a) or (b) in accepting employment in a matter shall not continue employment in that matter once the lawyer knows or reasonably should know that the person procuring the lawyer’s employment in the matter engaged in, or ordered, encouraged, or knowingly permitted another to engage in, conduct prohibited by any of Rules 7.01 through 7.05, 8.04(a)(2), or 8.04(a)(9) in connection with the matter unless nothing of value is given thereafter in return for that employment.

**Adds new Rule 7.07**

**Title: Filing Requirements for Public Advertisements and Written, Recorded, Electronic, or Other Digital Solicitations**
(a) Except as provided in paragraphs (c) and (e) of this Rule, a lawyer shall file with the Advertising Review Committee of the State Bar of Texas, no later than the mailing or sending by any means, including electronic, of a written, audio, audio-visual, digital or other electronic solicitation communication: (1) a copy of the written, audio, audio-visual, digital, or other electronic solicitation communication being sent or to be sent to one or more prospective clients for the purpose of obtaining professional employment, together with a representative sample of the envelopes or other packaging in which the communications are enclosed; (2) a completed lawyer advertising and solicitation communication application form; and (3) a check or money order payable to the State Bar of Texas for the fee set by the Board of Directors. Such fee shall be for the sole purpose of defraying the expense of enforcing the rules related to such solicitations. (b) Except as provided in paragraph (e) of this Rule, a lawyer shall file with the Advertising Review Committee of the State Bar of Texas, no later than the first dissemination of an advertisement in the public media, a copy of each of the lawyer's advertisements in the public media. The filing shall include: (1) a copy of the advertisement in the form in which it appears or will appear upon dissemination, such as a videotape, audiotape, DVD, CD, a print copy, or a photograph of outdoor advertising; (2) a production script of the advertisement setting forth all words used and describing in detail the actions, events, scenes, and background sounds used in such advertisement together with a listing of the names and addresses of persons portrayed or heard to speak, if the advertisement is in or will be in a form in which the advertised message is not fully revealed by a print copy or photograph; (3) a statement of when and where the advertisement has been, is, or will be used; (4) a completed lawyer advertising and solicitation communication application form; and (5) a check or money order payable to the State Bar of Texas for the fee set by the Board of Directors. Such fee shall be for the sole purpose of defraying the expense of enforcing the rules related to such advertisements. (c) Except as provided in paragraph (e) of this Rule, a lawyer shall file with the Advertising Review Committee of the State Bar of Texas no later than its first posting on the internet or other comparable network of computers information concerning the lawyer's or lawyer's firm's website. As used in this Rule, a “website” means a single or multiple page file, posted on a computer server, which describes a lawyer or law firm's practice or qualifications, to which public access is provided through publication of a uniform resource locator (URL). The filing shall include: (1) the intended initial access page of a website; (2) a completed lawyer advertising and solicitation communication application form; and (3) a check or money order payable to the State Bar of Texas for the fee set by the Board of Directors. Such fee shall be set for the sole purpose of defraying the expense of enforcing the rules related to such websites. (d) A lawyer who desires to secure an advance advisory opinion, referred to as a request for pre-approval, concerning compliance of a contemplated solicitation communication or advertisement may submit to the
Advertising Review Committee, not less than thirty (30) days prior to the date of first dissemination, the material specified in paragraph (a) or (b), or the intended initial access page submitted pursuant to paragraph (c), including the application form and required fee; provided however, it shall not be necessary to submit a videotape or DVD if the videotape or DVD has not then been prepared and the production script submitted reflects in detail and accurately the actions, events, scenes, and background sounds that will be depicted or contained on such videotapes or DVDs, when prepared, as well as the narrative transcript of the verbal and printed portions of such advertisement. If a lawyer submits an advertisement or solicitation communication for pre-approval, a finding of noncompliance by the Advertising Review Committee is not binding in a disciplinary proceeding or disciplinary action but a finding of compliance is binding in favor of the submitting lawyer as to all materials actually submitted for pre-approval if the representations, statements, materials, facts and written assurances received in connection therewith are true and are not misleading. The finding of compliance constitutes admissible evidence if offered by a party. (e) The filing requirements of paragraphs (a), (b), and (c) do not extend to any of the following materials, provided those materials comply with Rule 7.02(a) through (c) and, where applicable, Rule 7.04(a) through (c): (1) an advertisement in the public media that contains only part or all of the following information: (i) the name of the lawyer or firm and lawyers associated with the firm, with office addresses, electronic addresses, telephone numbers, office and telephone service hours, teletypewriter numbers, and a designation of the profession such as “attorney”, “lawyer”, “law office”, or “firm;” (ii) the particular areas of law in which the lawyer or firm specializes or possesses special competence; (iii) the particular areas of law in which the lawyer or firm practices or concentrates or to which it limits its practice; (iv) the date of admission of the lawyer or lawyers to the State Bar of Texas, to particular federal courts, and to the bars of other jurisdictions; (v) technical and professional licenses granted by this state and other recognized licensing authorities; (vi) foreign language ability; (vii) fields of law in which one or more lawyers are certified or designated, provided the statement of this information is in compliance with Rule 7.02(a) through (c). (viii) identification of prepaid or group legal service plans in which the lawyer participates; (ix) the acceptance or nonacceptance of credit cards; (x) any fee for initial consultation and fee schedule; (xi) other publicly available information concerning legal issues, not prepared or paid for by the firm or any of its lawyers, such as news articles, legal articles, editorial opinions, or other legal developments or events, such as proposed or enacted rules, regulations, or legislation; (xii) in the case of a website, links to other websites; (xiii) that the lawyer or firm is a sponsor of a charitable, civic, or community program or event, or is a sponsor of a public service announcement; (xiv) any disclosure or statement required by these rules; and (xv) any other information specified from time to time in orders promulgated by the Supreme Court of Texas; (2) an advertisement in the public media that:
(i) identifies one or more lawyers or a firm as a contributor to a specified charity or as a sponsor of a specified charitable, community, or public interest program, activity, or event; and (ii) contains no information about the lawyers or firm other than names of the lawyers or firm or both, location of the law offices, and the fact of the sponsorship or contribution; (3) a listing or entry in a regularly published law list; (4) an announcement card stating new or changed associations, new offices, or similar changes relating to a lawyer or firm, or a tombstone professional card; (5) in the case of communications sent, delivered, or transmitted to, rather than accessed by, intended recipients, a newsletter, whether written, digital, or electronic, provided that it is sent, delivered, or transmitted only to: (i) existing or former clients; (ii) other lawyers or professionals; or (iii) members of a nonprofit organization that meets the following conditions: the primary purposes of the organization do not include the rendition of legal services; the recommending, furnishing, paying for, or educating persons regarding legal services is incidental and reasonably related to the primary purposes of the organization; the organization does not derive a financial benefit from the rendition of legal services by a lawyer; and the person for whom the legal services are rendered, and not the organization, is recognized as the client of the lawyer who is recommended, furnished, or paid by the organization; (6) a solicitation communication that is not motivated by or concerned with a particular past occurrence or event or a particular series of past occurrences or events, and also is not motivated by or concerned with the prospective client's specific existing legal problem of which the lawyer is aware; (7) a solicitation communication if the lawyer's use of the communication to secure professional employment was not significantly motivated by a desire for, or by the possibility of obtaining, pecuniary gain; or (8) a solicitation communication that is requested by the prospective client. (f) if requested by the Advertising Review Committee, a lawyer shall promptly submit information to substantiate statements or representations made or implied in any advertisement in the public media or solicitation communication by which the lawyer seeks paid professional employment.

| Rule 8.1 | Title: “Rule 8.01 Bar Admission, Reinstatement, and Disciplinary Matters;”
First paragraph: Adds “a petitioner for reinstatement to the bar” after “admission to the bar;”
(b) fail to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admission, reinstatement, or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.05. |
| Rule 8.2 | (c) A lawyer who is a candidate for an elective public office shall comply with the applicable provisions of the Texas Election Code. |
| Rule 8.3 | (a) and (b) Adds to beginning, “Except as permitted in paragraphs (c) or (d);” changes “who knows” with “having knowledge;” |
(c) A lawyer having knowledge or suspecting that another lawyer or judge whose conduct the lawyer is required to report pursuant to paragraphs (a) or (b) of this Rule is impaired by chemical dependency on alcohol or drugs or by mental illness may report that person to an approved peer assistance program rather than to an appropriate disciplinary authority. If a lawyer elects that option, the lawyers report to the approved peer assistance program shall disclose any disciplinary violations that the reporting lawyer would otherwise have to disclose to the authorities referred to in paragraphs (a) and (b).

(d) Adds “or information” after “knowledge;” replaces language after “protected” with “as confidential information:

(1) by Rule 1.05 or

(2) by any statutory or regulatory provisions applicable to the counseling activities of the approved peer assistance program.”

Rule 8.4

(a) A lawyer shall not:

(1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship;

(2) commit a serious crime or commit any other criminal act that reflects adversely on the lawyers honesty, trustworthiness or fitness as a lawyer in other respects;

(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(4) engage in conduct constituting obstruction of justice;

(5) state or imply an ability to influence improperly a government agency or official;

(6) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;

(7) violate any disciplinary or disability order or judgment;

(8) fail to timely furnish to the Chief Disciplinary Counsels office or a district grievance committee a response or other information as required by the Texas Rules of Disciplinary Procedure, unless he or she in good faith timely asserts a privilege or other legal ground for failure to do so;

(9) engage in conduct that constitutes barratry as defined by the law of this state;

(10) fail to comply with section 13.01 of the Texas Rules of Disciplinary Procedure relating to notification of an attorneys cessation of practice;

(11) engage in the practice of law when the lawyer is on inactive status or when the lawyers right to practice has been suspended or terminated, including but not limited to situations where a lawyers right to practice has been administratively suspended for failure to timely pay required fees or assessments or for failure to comply with Article XII of the State Bar Rules relating to Mandatory Continuing Legal Education; or

(12) violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law.

(b) As used in subsection (a)(2) of this Rule, serious crime means barratry; any felony involving moral turpitude; any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other
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<table>
<thead>
<tr>
<th>Rule 8.5</th>
<th><strong>Rule 8.05 Jurisdiction</strong></th>
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<tbody>
<tr>
<td>(a) A lawyer is subject to the disciplinary authority of this state, if admitted to practice in this state or if specially admitted by a court of this state for a particular proceeding. In addition to being answerable for his or her conduct occurring in this state, any such lawyer also may be disciplined in this state for conduct occurring in another jurisdiction or resulting in lawyer discipline in another jurisdiction, if it is professional misconduct under Rule 8.04.</td>
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<tr>
<td>(b) A lawyer admitted to practice in this state is also subject to the disciplinary authority of this state for:</td>
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<tr>
<td>(1) an advertisement in the public media that does not comply with these rules and that is broadcast or disseminated in another jurisdiction, even if the advertisement complies with the rules governing lawyer advertisements in that jurisdiction, if the broadcast or dissemination of the advertisement is intended to be received by prospective clients in this state and is intended to secure employment to be performed in this state; and</td>
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<tr>
<td>(2) a written solicitation communication that does not comply with these rules and that is mailed in another jurisdiction, even if the communication complies with the rules governing written solicitation communications by lawyers in that jurisdiction, if the communication is mailed to an addressee in this state or is intended to secure employment to be performed in this state.</td>
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