Understanding the Approved Changes to the Texas Disciplinary Rules *Rules Vote Referendum 2021:* **Passed!** 

A look at the Process, and the Texas Supreme Court Order Approving Them. So, How Will Law Practice Change in Texas? *Presenter:* Claude E. Ducloux, Austin Member, Committee on Disciplinary Rules and Referenda



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## **Objectivity and Perspectives**

- Makeup of the Committee: lawyers and non-lawyers.
- Multiple perspectives and opinions on proposed changes.
- Each proposed rule is reviewed from the perspective of a busy practicing attorney:
  - Do I understand the rule?
  - Does this change make sense for the profession and the public?
  - Will the proposed rule unnecessarily complicate law practice?
  - And ... finally ... can we teach others what the rule means and how it applies?

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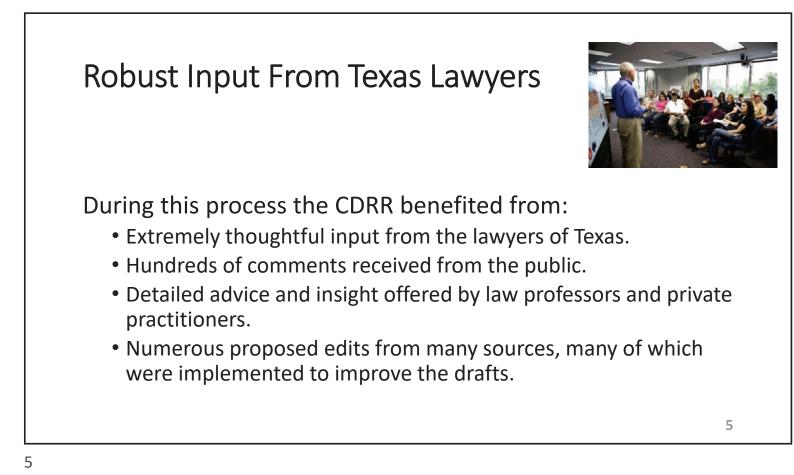
# Purpose of the Changes

- Modernize the ethics rules for the Digital Age.
- Review ethics-reform proposals from all sources:
  - Lawyers, the public, sections of the bar, the courts, and the SBOT.
- Improve, clarify, and simplify the ethics rules applicable to all Texas lawyers.
- Protect the interests of the public.
- Replace or eliminate provisions that are not working.
- Address the needs and issues faced by aging lawyers and clients.



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# The Eight Ballot Items Lawyers Voted On

- A: Scope and Objectives of Representation
  - Clients with Diminished Capacity.
- **B:** Confidentiality of Information
  - Exception to Permit Disclosure to Secure Legal Ethics Advice.
- C: Confidentiality of Information
  - Exception to Permit Disclosure to Prevent Client Death by Suicide.
- D: Conflict of Interest
  - Exceptions for Nonprofit and Limited Pro Bono Legal Services.



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### Title search: Understand the Approved Changes to the Texas Disciplinary Rules

Also available as part of the eCourse

<u>The New Texas Disciplinary Rules of Conduct and Procedure: How Will My</u> <u>Practice Change?</u>

First appeared as part of the conference materials for the 30<sup>th</sup> Annual LLCs, LPs and Partnerships session "Looking at the New Disciplinary Rules of Conduct and Procedure: How Will My Practice Change?"