

# State Bar Grievances

AN OVERVIEW OF THE GRIEVANCE SYSTEM, COMMON REASONS FOR GRIEVANCE, AND GUIDANCE FOR AVOIDING GRIEVANCES

KENNON L. WOOTEN



1

## High Level Overview of Key Standards and Resources

### Standards

- Texas Disciplinary Rules of Professional Conduct (the “ethics rules”)
- Texas Rules of Disciplinary Procedure (the “procedural rules”)
- Legal Opinions
  - Professional Ethics Committee (PEC)
  - Texas Appellate Courts
- Texas Pattern Jury Charges

### Resources

- Texas Center for Legal Ethics
- State Bar of Texas Website, Ethics Helpline (800.532.3947), and Grievance Information Helpline (800.932.1900)
- Texas Ombudsman for the Attorney Discipline System (512.372.1125)
- Texas Client Attorney Assistance Program (1.800.204.2222, ext. 1790)



2

## Potential Consequences of Ethics Violations

- Grievances Filed With the Office of Chief Disciplinary Counsel (CDC)
  - Classification as “Inquiry” and Dismissed
  - Classification as “Complaint”
    - Investigation
    - Litigation (Evidentiary Panel or State District Court)
- Disqualification From Representation
- Legal Malpractice Claims
- Breach of Fiduciary Duty Claims

SCOTT  
DOUGLASS  
McCONNICO

3

## Common Ethics Pitfalls: Top Areas of the Law Addressed in Grievances

- Criminal
- Family
- Civil
- Personal Injury
- Immigration
- Probate/Wills
- Other
- Bankruptcy

SCOTT  
DOUGLASS  
McCONNICO

4

## Common Ethics Pitfalls: Top Ten List of Rules Allegedly Violated

- Communication
- Neglect
- Declining or Terminating Representation
- Integrity
- Safeguarding Property
- Conflicts
- Tribunals
- Fees
- Non-Clients
- Confidentiality

SCOTT  
DOUGLASS  
McCONNICO

5

## Common Ethics Pitfall: Insufficient Client Communication

**\*\*Governing Rule\*\***

### **Texas Disciplinary Rule of Professional Conduct 1.03**

(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.

SCOTT  
DOUGLASS  
McCONNICO

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: State Bar Grievances

Also available as part of the eCourse

[2023 School Law eConference](#)

First appeared as part of the conference materials for the  
38<sup>th</sup> Annual School Law Conference session

"State Bar Grievances"