

Implementing the 2024 Changes to the Texas Disciplinary Rules: Modernize your Ethics Practices

Presenter:

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Part I: Overview of the 2024 Rules Process and Vote

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2024 Rules Vote:

Question: Who Initiated the Proposed Rules we Voted on in April 2024?

Answer: The CDRR Proposed and Initiated the Rules included in 2024. And, to accomplish that, the CDRR:

- Reviewed rules in other jurisdictions
- Found and addressed Issues of ambiguity requiring clarification
- Modernized Terminology
- Conflicts Rules and developed and explained “Screening”
- Addressed Terminating “Custodianship”



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How Did the Vote Come Out?



The 12 propositions passed as follows:

A —1.00 Terminology	85.11 %
B —1.08 Conflicts with Client	80.94 %
C —1.09 Conflict-former Client	80.86 %
D —1.10 Imputation Conflicts	80.36 %
E —1.18 Prospective Client	78.21 %
F —3.09 Special Duties of Prosecutor	85.93 %



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How Did the Vote Come Out? (Cont'd)



The 12 propositions passed as follows:

G —4.03 Dealing with Unrep Person	77.48 %
H —5.01 Resp. of Supervisory Lawyer	75.66 %
I —5.05 Unauthorized Law Practice	82.63 %
J —8.05 Jurisdiction	81.52 %
K —8.06 Choice of Law	82.55 %
L —RDP 13.05 Termination Custodianship	85.89 %



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What Comes Next?

- Election Results are certified and sent to the Texas Supreme Court.
- Texas Supreme Court holds hearing to discuss rules and comments.
- CDRR responds as necessary in editing or drafting new comments.
- Supreme Court Orders Adoption of the New Rules.

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 21-9061

**FINAL APPROVAL AND ADOPTION OF AMENDMENTS TO
THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT AND
THE TEXAS RULES OF DISCIPLINARY PROCEDURE**



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First appeared as part of the conference materials for the
34th Annual Conference on State and Federal Appeals session
"2024 Ethics Referendum: What Passed, What Didn't, and What Now?"