

**IN THE SUPREME COURT OF TEXAS**

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Misc. Docket No. 12 - **9153**

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**ORDER ADOPTING AMENDMENTS TO TEXAS RULES  
OF DISCIPLINARY PROCEDURE 3.01, 3.02, AND 3.03**

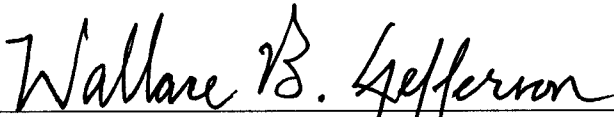
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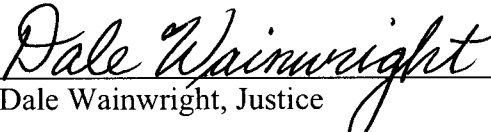
**ORDERED** that:

1. The Supreme Court of Texas adopts the following amendments to Rules 3.01, 3.02, and 3.03 of the Texas Rules of Disciplinary Procedure.
2. Amended Rules 3.01, 3.02, and 3.03 of the Texas Rules of Disciplinary Procedure take effect on October 1, 2012.

Dated: September 19<sup>th</sup>, 2012.

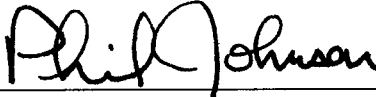
  
Wallace B. Jefferson, Chief Justice

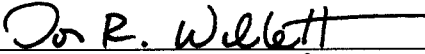
  
Nathan L. Hecht, Justice

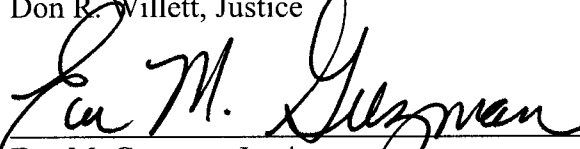
  
Dale Wainwright, Justice

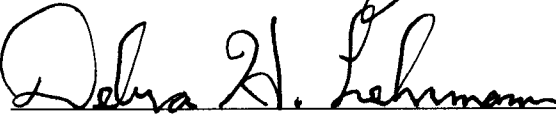
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

  
Don R. Willett, Justice

  
Eva M. Guzman, Justice

  
Debra H. Lehrmann, Justice

**PART III**  
**Trial in District Court**

**3.01 Disciplinary Petition:** If the Respondent timely elects to have the Complaint heard by a district court, with or without a jury, in accordance with Rule 2.15, the Chief Disciplinary Counsel shall ~~file~~, not more than sixty days after receipt of Respondent's election to proceed in district court, notify the Supreme Court of Texas of the Respondent's election by transmitting a copy of the a Disciplinary Petition in the name of the Commission ~~with~~ to the Clerk of the Supreme Court of Texas. The petition must contain:

- A. Notice that the action is brought by the Commission for Lawyer Discipline, a committee of the State Bar.
- B. The name of the Respondent and the fact that he or she is an attorney licensed to practice law in the State of Texas.
- C. Allegations necessary to establish proper venue.
- D. A description of the acts and conduct that gave rise to the alleged Professional Misconduct in detail sufficient to give fair notice to Respondent of the claims made, which factual allegations may be grouped in one or more counts based upon one or more Complaints.
- E. A listing of the specific rules of the Texas Disciplinary Rules of Professional Conduct allegedly violated by the acts or conduct, or other grounds for seeking Sanctions.
- F. A demand for judgment that the Respondent be disciplined as warranted by the acts and for any other appropriate relief.
- G. Any other matter that is required or may be permitted by law or by these rules. ~~The Disciplinary Petition must be filed with the Clerk of the Supreme Court of Texas.~~

**3.02 Assignment of Judge:** Upon receipt of a Disciplinary Petition, the Clerk of the Supreme Court of Texas shall ~~docket the same and~~ promptly bring the Petition to the attention of the Supreme Court. The Supreme Court shall promptly appoint an active district judge who does not reside in the Administrative Judicial District in which the Respondent resides to preside in the case and the Clerk of the Supreme Court shall transmit a copy of the Supreme Court's appointing order to the Chief Disciplinary Counsel. Should the judge so appointed be unable to fulfill the appointment, he or she shall immediately notify the Clerk of the Supreme Court, and the Supreme Court shall

appoint a replacement judge. The judge appointed shall be subject to objection, recusal or disqualification as provided by law. The objection, motion seeking recusal or motion to disqualify must be filed by either party not later than sixty days from the date the Respondent is served with the Supreme Court's order appointing the judge. In the event of objection, recusal or disqualification, the Supreme Court shall appoint a replacement judge within thirty days.

**3.03 Filing, Service and Venue:** After the trial judge has been appointed, the ~~Clerk of the Supreme Court~~ Chief Disciplinary Counsel shall promptly ~~forward~~ file the Disciplinary Petition and a copy of the Supreme Court's appointing Order ~~to~~ with the district clerk of the county of alleged venue. ~~Upon receipt of the Disciplinary Petition and copy of the Supreme Court's appointing Order, the district clerk shall transmit a copy of the Supreme Court's appointing Order to the Chief Disciplinary Counsel.~~ The Respondent shall then be served as in civil cases generally with a copy of the Disciplinary Petition and a copy of the Supreme Court's appointing Order. In a Disciplinary Action, venue shall be in the county of Respondent's principal place of practice; or if the Respondent does not maintain a place of practice within the State of Texas, in the county of Respondent's residence; or if the Respondent maintains neither a residence nor a place of practice within the State of Texas, then in the county where the alleged Professional Misconduct occurred, in whole or in part. In all other instances, venue is in Travis County, Texas.