

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 98- 9112

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## APPROVAL OF AMENDMENTS TO RULES 7.04(j) AND 7.05(b)(4) & (5) OF THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

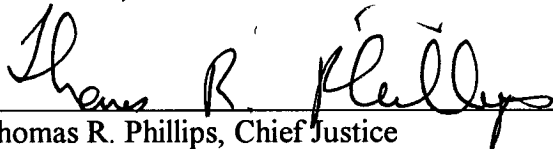
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### **ORDERED:**


Pursuant to Tex. Gov. Code Ann. §81.024 (Vernon Supp. 1997) the Supreme Court of Texas approves the following:

Amendments to Rules 7.04(j) and 7.05(b)(4) & (5) of the Texas Disciplinary Rules of Professional Conduct.

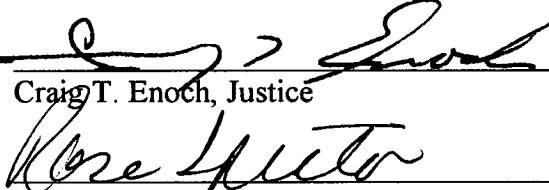
SIGNED AND ENTERED THIS 1<sup>st</sup> day of July, 1998.

  
Thomas R. Phillips, Chief Justice

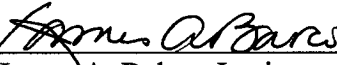
Raul A. Gonzalez, Justice

  
Nathan L. Hecht, Justice


Craig T. Enoch, Justice

  
Rose Spector, Justice

Priscilla R. Owen, Justice

  
James A. Baker, Justice

Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

IN THE SUPREME COURT OF TEXAS  
Misc. Docket No. 98-\_\_\_\_\_

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PETITION TO AMEND RULES 7.04(j) AND 7.05(b)(4) & (5) OF THE  
TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

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TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF SAID COURT:

The State Bar of Texas hereby respectfully petitions the Court to amend Rules 7.04j, 7.05(b)(4), and 7.05(b)(5) of the Texas Disciplinary Rules of Professional Conduct. In support hereof, the Petitioner states as follows:

I.

The United States District Court, Eastern District of Texas, ruled unconstitutional Rule 7.04(j) of the Texas Disciplinary Rules of Professional Conduct, as applied to one of the Plaintiffs, in the case styled Texans Against Censorship, Inc., et al v. State Bar of Texas, et al. After appeal to the United States Court of Appeals for the Fifth Circuit was dismissed, the case is now final. The current rules are set forth in Exhibit "A". The State Bar Board of Directors, acting on the opinion of the United States District Court in the aforementioned case, has approved the petitioning of this Court to amend the Rule, as set forth in Exhibit "B."

II.

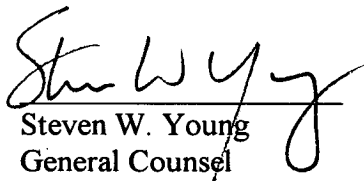
The United State District Court, Eastern District of Texas, ruled unconstitutional on their face Rules 7.05(b)(4) and 7.05(b)(5) of the Texas Disciplinary Rules of Professional Conduct, in the case styled Texans Against Censorship, Inc., et al v. State Bar of Texas, et al. After appeal to the United States Court of Appeals for the Fifth Circuit was dismissed, the case is now final. The State Bar Board of Directors, acting on the opinion of the United States District Court in the aforementioned

case, has approved the petitioning of this Court to consider the amendment of these provisions, as set forth in Exhibit "C".

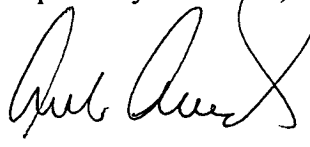
III.

WHEREFORE, the State Bar of Texas Board of Directors requests that the Supreme Court of Texas approve, adopt, and promulgate such amendments through the Supreme Court's inherent power to regulate the practice of law in the State of Texas.

Attest:

  
Steven W. Young  
General Counsel

Respectfully submitted,

  
Antonio Alvarado  
Executive Director

## EXHIBIT "A"

Rule 7.04(j) reads:

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 discloses:
  - a) the days and times during which a lawyer will be present at that office.

Rule 7.05(b)(4) reads:

[a written solicitation] shall not contain a statement or implication that the written communication has received any kind of authorization or approval from the State Bar of Texas or from the Advertising Review Committee.

Rule 7.05(b)(5) reads:

[a written solicitation] shall not be sent in a manner, such as by registered mail, that requires personal delivery to a particular individual.

EXHIBIT "B"

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AMENDMENTS TO RULE 7.04(j)

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TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

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1. Section 7.04(j) will be amended to read:

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 discloses 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.

EXHIBIT "C"

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AMENDMENTS TO RULES 7.05(b)(4) & (5) OF THE  
TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

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1. The current text of Sections 7.05(b)(4) and 7.05(b)(5) shall be deleted.
2. The remaining sections shall not be renumbered.
3. Section 7.05(b)(4) shall read:

7.05(b)(4) [Deleted by the Supreme Court of Texas <sup>July 1, 1998</sup> ~~April 1997~~]

4. Section 7.05(b)(5) shall read:

7.05(b)(5) [Deleted by the Supreme Court of Texas <sup>July 1, 1998</sup> ~~April 1997~~]