

RULE PROPOSAL PROCESS

RULE PROPOSAL A request to initiate the rule proposal process may be made by: (1) a resolution of the State Bar of Texas Board of Directors; (2) a request by the Supreme Court of Texas; (3) a request by the Commission for Lawyer Discipline; (4) a petition signed by at least 10% of registered members of the State Bar; (5) a concurrent resolution of the Legislature; or (6) a petition signed by at least 20,000 people, of which at least 51%, or 10,200 or more, must be Texas residents. Additionally, the Committee on Disciplinary Rules and Referenda can initiate the rule proposal process on its own.

INITIATION The committee must vote to initiate the rule proposal process or decline in writing within 60 days of receiving a request.

PUBLICATION A proposed rule must be published in the *Texas Register* and the *Texas Bar Journal* within six months of initiation of the rule proposal process.

COMMENT PERIOD The committee shall give interested parties at least 30 days from the date of publication to submit comments on the proposed rule to the committee.

PUBLIC HEARING During the comment period, the committee shall hold a public hearing on the proposed rule at the committee's discretion or if requested by: (1) at least 25 people; (2) a state agency or political subdivision of this state; or (3) an association with at least 25 members.

COMMITTEE VOTE The committee shall vote on whether to recommend a proposed rule to the Board of Directors not later than the 60th day after the final day of the comment period.

BOD VOTE The Board of Directors shall vote on each proposed disciplinary rule recommended by the committee not later than the 120th day after the date the rule is received from the committee. The board shall vote for or against the rule or return the rule to the committee for additional consideration. If the rule is approved, the board shall petition the Supreme Court to order a vote by State Bar members.

VOTING On receipt of a petition filed by the Board of Directors, the Supreme Court shall: (1) distribute a copy of the rule in ballot form to each member of the State Bar and order a vote on the rule; and (2) publish the rule in the *Texas Register* and the *Texas Bar Journal*. The Supreme Court shall give State Bar members: (1) at least 30 days to consider a proposed disciplinary rule before voting begins; and (2) 30 days to vote on the proposed disciplinary rule following the period for considering the proposed rule.

ADOPTION The Supreme Court by majority vote may approve or reject a proposed disciplinary rule in its entirety, but may not approve or reject only part of the rule. If the Supreme Court does not vote on the rule on or before the 120th day after the date the rule is approved by State Bar members, the rule is considered approved by the Supreme Court.