Index

ABANDONMENT

Defense to malpractice action, § 4:12

ABATEMENT

Defense to malpractice action, § 4:5

ABUSE OF PROCESS

Non-clients only, actions available to, § 3:9

ADMISSION TO BAR

Texas Rules of Disciplinary Procedure, § 13:1

ADVERTISEMENTS

Public media, advertisements in, § 12:4, 12:7

APPEAL AND ERROR

Ethics, this index

APPOINTMENTS

Accepting appointments by tribunal, § 11:1 Extra-judicial appointments, § 28:26

ARBITRATION AND AWARD

Agreements, § 1:8

Judge serving as arbitrator, § 28:21

ASSIGNMENTS

Non-assignability of claim as defense in malpractice action, § 4:10

ASSOCIATES

Responsibilities of supervised lawyers under Texas Rules of Disciplinary Procedure, § 10:2

ASSUMPTION OF RISK

Malpractice action, § 4:8

ATTORNEY-CLIENT RELATIONSHIP

Generally, § 1:1 to 1:23

Appeals, authority of attorney, § 1:12

Arbitration agreements, § 1:8

Authority of attorney

Generally, § 1:9 to 1:12

Appeal, § 1:12

Criminal cases, § 1:11

Litigation, § 1:10

Characterizing the relationship, § 1:1

Common fund doctrine, fee awards under, § 1:16

ATTORNEY-CLIENT RELATIONSHIP—Cont'd

Conclusion of the matter, § 1:19

Counterclaims in fee litigation, § 1:15

Creation of relationship

Generally, § 1:1 to 1:5

Characterizing, § 1:1

Declining representation, § 1:4

Formation, § 1:2

Inadvertent representation, § 1:3

Involuntary representation, § 1:5

Criminal cases, authority of attorney, § 1:11

Declining representation, § 1:4

Discharge of attorney by client, § 1:20

Dividing fees among different firms, § 1:18

Fee agreements and limitations on fees

Generally, § 1:13 to 1:18

Common counterclaims, § 1:15

Common fund doctrine, fee awards under, § 1:16

Dividing fees among different firms, § 1:18

Prevailing party, award to, § 1:17

Unpaid fees, litigation concerning, § 1:14

Formation, § 1:2

Inadvertent representation, § 1:3

Involuntary representation, § 1:5

Litigation

Authority of attorney, § 1:10

Unpaid fees, § 1:14, 1:15

Mutual agreement, termination of relationship by, § 1:21

Operation of law, termination of relationship by, § 1:23

Prevailing party, award of fees pursuant to statute, § 1:17

Termination of representation

Generally, § 1:19 to 1:23

Conclusion of the matter, § 1:19

Discharge by client, § 1:20

Mutual agreement, § 1:21

Operation of law, termination by, § 1:23

Withdrawal by lawyer, § 1:22

Terms of engagement

Generally, § 1:6 to 1:8

Arbitration agreements, § 1:8

Terms to exclude, § 1:7

Terms to include, § 1:6

Unpaid fees, litigation concerning, § 1:14, 1:15

Withdrawal by lawyer, § 1:22

ATTORNEYS

Compliance with Texas Code of Judicial Conduct, § 30:9

Index-2

ATTORNEYS' FEES

Texas Rules of Disciplinary Procedure, § 6:4

BIAS

Judges, this index

BURROW v. ARCE

Generally, § 2:12 to 2:16

Analysis of Burrow and later cases, § 2:15

Arce v. Burrow, § 2:12

Possible extensions of Burrow, § 2:16

Subsequent developments, § 2:14

CAMPAIGN FAIRNESS

Compliance with Judicial Campaign Fairness Act, § 29:21

CANDIDATES

Endorsement of candidate for public office by judge, prohibition on, § 29:13 Judicial office, candidates for, compliance with Code of Judicial Conduct, § 30:9

CAUSATION

Client's criminal or other misconduct as other sole proximate cause, § 4:16 Malpractice, § 2:8

CAUSES OF ACTION

Generally, § 3:1 to 3:16

Abuse of process, § 3:9

Civil conspiracy, § 3:8

Client-only actions

Generally, § 3:1 to 3:3

Client's lawful instructions, failure to follow, § 3:3

Contract, breach of, § 3:2

Texas Rules, violation of, § 3:1

Clients or non-clients, actions available to

Generally, § 3:4 to 3:8

Civil conspiracy, § 3:8

Constructive fraud, § 3:7

Fraud, § 3:7

Negligent misrepresentation, § 3:6

Texas Deceptive Trade Practices Act, violations of, § 3:5

Texas Rules, violation as basis for refusing to enforce agreement, § 3:4

Constructive fraud, § 3:7

Contract, breach of, § 3:2

Deceptive Trade Practices Act, violations of, § 3:5

Defamation, § 3:11

Evidence, spoliation of, § 3:15

Fraud, § 3:7

Infliction of emotional distress, § 3:12

Instructions, client's, failure to follow, § 3:3

Malicious prosecution, § 3:10

Negligent misrepresentation, § 3:6

CAUSES OF ACTION—Cont'd

Non-clients only, actions available to

Generally, § 3:9 to 3:16

Abuse of process, § 3:9

Defamation, § 3:11

Infliction of emotional distress, § 3:12

Malicious prosecution, § 3:10

Racketeer (RICO) Act, § 3:16

Sanctions, § 3:14

Spoliation of evidence, § 3:15

Tortious interference, § 3:13

Pleading, § 2:3

Racketeer (RICO) Act, § 3:16

Sanctions, § 3:14

Spoliation of evidence, § 3:15

Texas Deceptive Trade Practices Act, violations of, § 3:5

Texas Rules, violation of

Client-only actions, § 3:1

Refusal to enforce agreement, violation of Rules as basis for, § 3:4

Tortious interference, § 3:13

CHARACTER WITNESS

Judge testifying as, § 26:20

CHARITABLE ACTIVITIES

By judges, § 28:9 to 28:12

CIVIC ACTIVITIES

By judges, § 28:9 to 28:12

CIVIL CONSPIRACY

Actions available to clients and non-clients, § 3:8

CLIENT

Criminal or other misconduct as defense to malpractice action, § 4:16

Damages, failure to mitigate, § 4:17

Instructions, failure to follow, § 3:3

COLLATERAL ESTOPPEL

Defense to malpractice action, § 4:14

Following just cause determination, § 18:27

COMMON FUND DOCTRINE

Attorney's fee awards under, § 1:16

COMPENSATION

Extra-judicial activities, § 28:27

COMPROMISE AND SETTLEMENT

Client's acceptance as defense in malpractice action, § 4:11

CONFLICTS OF INTEREST

Texas rules of professional conduct, general rule (Rule 1.10), § 6:10

Index-4

CONSPIRACY

Civil conspiracy as action available to clients and non-clients, § 3:8

CONSTITUTIONAL LAW

Judges, removal, § 38:1

CONSTRUCTIVE FRAUD

Actions available to clients and non-clients, § 3:7

CONTRACTS

Breach of contract action by client, § 3:2

CONTRIBUTION

Malpractice action, § 4:18

CONTRIBUTORY NEGLIGENCE

Malpractice action, § 4:7

COUNTERCLAIMS

Attorney fee litigation, § 1:15

COUNTY JUDGES

Compliance with Texas Code of Judicial Conduct, § 30:5

CRIMINAL CASES

Authority of attorney, § 1:11

CRIMINAL CONDUCT

Client's criminal or other misconduct as other sole proximate cause, § 4:16 Compulsory discipline, § 19:1

DAMAGES

Client's failure to mitigate, § 4:17
Malpractice, § 2:9
Mitigation of damages
Client's failure to mitigate, § 4:17

DECEPTIVE TRADE PRACTICES ACT

Violations of, § 3:5

DEFAMATION

Non-clients only, actions available to, § 3:11

DESTRUCTION OF PROPERTY OR EVIDENCE

Spoliation, § 3:15

DISCHARGE OF ATTORNEY

By client, § 1:20

DISCIPLINE

Judges, disciplinary responsibilities, § 27:43
Texas Rules of Disciplinary Procedure, § 13:1

DISCRIMINATION

Membership by judge in discriminatory organization, prohibiting, \S 26:21 Prohibited discriminatory activities, \S 10:7

ELECTIONS

Endorsement of candidate for public office by judge, prohibition on, § 29:13

Judges, involvements with, § 25:5

Judicial Campaign Fairness Act, compliance with, § 29:21

Judicial office, candidates for, compliance with Code of Judicial Conduct, § 30:9

EMOTIONAL DISTRESS

Infliction of emotional distress, § 3:12

EMPLOYMENT

Prohibited employment, § 12:6

Successive government and private employment, § 6:11

EQUITABLE ESTOPPEL

Defense to malpractice action, § 4:15

ESTOPPEL

Defense to malpractice action, § 4:15

ETHICS

Abandonment, defense to malpractice action, § 4:12

Abatement, defense to malpractice action, § 4:5

Abuse of process, non-clients only, actions available to, § 3:9

Admission to bar, Texas Rules of Disciplinary Procedure, § 13:1

Advertisements, public media, advertisements in, § 12:4, 12:7

Annual reports. Reports, below

Appeals

Authority of attorney, § 1:12

Proceedings before the Commission, appeal of Commission decisions to Special Court of Review, § 36:4

Suspension pending appeal, § 18:30

Appointments

Accepting appointments by tribunal, § 11:1

Extra-judicial appointments, § 28:26

Arbitration

Agreements, § 1:8

Judge serving as arbitrator, § 28:21

Assignment, non-assignability of claim as defense in malpractice action, § 4:10

Associates, responsibilities of supervised lawyers under Texas Rules of Disciplinary Procedure, $\S 10:2$

Assumption of risk, malpractice action, § 4:8

Attorney fees, Texas Rules of Disciplinary Procedure, § 6:4

Attorney-client relationship

Generally, § 1:1 to 1:23

Appeals, authority of attorney, § 1:12

Arbitration agreements, § 1:8

Authority of attorney

Generally, § 1:9 to 1:12

Appeal, § 1:12

Criminal cases, § 1:11

ETHICS—Cont'd Attorney-client relationship—Cont'd Authority of attorney-Cont'd Litigation, § 1:10 Characterizing the relationship, § 1:1 Common fund doctrine, fee awards under, § 1:16 Conclusion of the matter, § 1:19 Counterclaims in fee litigation, § 1:15 Creation of relationship Generally, § 1:1 to 1:5 Characterizing, § 1:1 Declining representation, § 1:4 Formation, § 1:2 Inadvertent representation, § 1:3 Involuntary representation, § 1:5 Criminal cases, authority of attorney, § 1:11 Declining representation, § 1:4 Discharge of attorney by client, § 1:20 Dividing fees among different firms, § 1:18 Fee agreements and limitations on fees Generally, § 1:13 to 1:18 Common counterclaims, § 1:15 Common fund doctrine, fee awards under, § 1:16 Dividing fees among different firms, § 1:18 Prevailing party, award to, § 1:17 Unpaid fees, litigation concerning, § 1:14 Formation, § 1:2 Inadvertent representation, § 1:3 Involuntary representation, § 1:5 Litigation Authority of attorney, § 1:10 Unpaid fees, § 1:14, 1:15 Mutual agreement, termination of relationship by, § 1:21 Operation of law, termination of relationship by, § 1:23 Prevailing party, award of fees pursuant to statute, § 1:17 Termination of representation Generally, § 1:19 to 1:23 Conclusion of the matter, § 1:19 Discharge by client, § 1:20 Mutual agreement, § 1:21 Operation of law, termination by, § 1:23 Withdrawal by lawyer, § 1:22 Terms of engagement Generally, § 1:6 to 1:8 Arbitration agreements, § 1:8 Terms to exclude, § 1:7 Terms to include, § 1:6 Unpaid fees, litigation concerning, § 1:14, 1:15

ETHICS—Cont'd Attorney-client relationship—Cont'd Withdrawal by lawyer, § 1:22 Attorneys, compliance with Texas Code of Judicial Conduct, § 30:9 Bias, judge, alleged bias, § 25:6 Burrow v. Arce Generally, § 2:12 to 2:16 Analysis of Burrow and later cases, § 2:15 Arce v. Burrow, § 2:12 Possible extensions of Burrow, § 2:16 Subsequent developments, § 2:14 Campaign fairness, compliance with Judicial Campaign Fairness Act, § 29:21 Candidates Endorsement of candidate for public office by judge, prohibition on, § 29:13 Judicial office, candidates for, compliance with Code of Judicial Conduct, § 30:9 Causation Client's criminal or other misconduct as other sole proximate cause, § 4:16 Malpractice, § 2:8 Causes of action Generally, § 3:1 to 3:16 Abuse of process, § 3:9 Civil conspiracy, § 3:8 Client-only actions Generally, § 3:1 to 3:3 Client's lawful instructions, failure to follow, § 3:3 Contract, breach of, § 3:2 Texas Rules, violation of, § 3:1 Clients or non-clients, actions available to Generally, § 3:4 to 3:8 Civil conspiracy, § 3:8 Constructive fraud, § 3:7 Fraud, § 3:7 Negligent misrepresentation, § 3:6 Texas Deceptive Trade Practices Act, violations of, § 3:5 Texas Rules, violation as basis for refusing to enforce agreement, § 3:4 Constructive fraud. § 3:7 Contract, breach of, § 3:2 Deceptive Trade Practices Act, violations of, § 3:5 Defamation, § 3:11 Evidence, spoliation of, § 3:15 Fraud, § 3:7 Infliction of emotional distress, § 3:12 Instructions, client's, failure to follow, § 3:3 Malicious prosecution, § 3:10 Negligent misrepresentation, § 3:6 Non-clients only, actions available to Generally, § 3:9 to 3:16

Abuse of process, § 3:9

ETHICS—Cont'd Causes of action-Cont'd Non-clients only, actions available to—Cont'd Defamation, § 3:11 Infliction of emotional distress, § 3:12 Malicious prosecution, § 3:10 Racketeer (RICO) Act, § 3:16 Sanctions, § 3:14, 18:19 Spoliation of evidence, § 3:15 Tortious interference, § 3:13 Pleading, § 2:3 Racketeer (RICO) Act, § 3:16 Sanctions, § 3:14 Spoliation of evidence, § 3:15 Texas Deceptive Trade Practices Act, violations of, § 3:5 Texas Rules, violation of Client-only actions, § 3:1 Refusal to enforce agreement, violation of Rules as basis for, § 3:4 Tortious interference, § 3:13 Character witness, judge testifying as, § 26:20 Charitable activities, by judges, § 28:9 to 28:12 Civic activities, by judges, § 28:9 to 28:12 Civil conspiracy, actions available to clients and non-clients, § 3:8 Client Criminal or other misconduct as defense to malpractice action, § 4:16 Damages, failure to mitigate, § 4:17 Instructions, failure to follow, § 3:3 Collateral estoppel, defense to malpractice action, § 4:14 Common fund doctrine, attorney's fee awards under, § 1:16 Compensation, extra-judicial activities, § 28:27 Conspiracy, civil conspiracy as action available to clients and non-clients, § 3:8 Constructive fraud, actions available to clients and non-clients, § 3:7 Contracts, breach of contract action by client, § 3:2 Contribution, malpractice action, § 4:18 Contributory negligence, malpractice action, § 4:7 Counterclaims, attorney fee litigation, § 1:15 County judges, compliance with Texas Code of Judicial Conduct, § 30:5 Criminal cases, authority of attorney, § 1:11 Criminal conduct Client's criminal or other misconduct as other sole proximate cause, § 4:16 Compulsory discipline, § 19:1 **Damages** Client's failure to mitigate, § 4:17 Malpractice, § 2:9 Deceptive trade practices act, violations of, § 3:5 Defamation, non-clients only, actions available to, § 3:11 Discharge of attorney, by client, § 1:20

ETHICS—Cont'd

Discipline

Judges, disciplinary responsibilities, § 27:43

Texas Rules of Disciplinary Procedure, § 13:1

Discrimination

Membership by judge in discriminatory organization, prohibiting, § 26:21

Prohibited discriminatory activities, § 10:7

Elections

Endorsement of candidate for public office by judge, prohibition on, § 29:13

Judges, involvements with, § 25:5

Judicial Campaign Fairness Act, compliance with, § 29:21

Judicial office, candidates for, compliance with Code of Judicial Conduct, § 30:9

Emotional distress, infliction of emotional distress, § 3:12

Employment

Prohibited employment, § 12:6

Successive government and private employment, § 6:11

Equitable estoppel, defense to malpractice action, § 4:15

Estoppel, defense to malpractice action, § 4:15

Evidence, § 3:15, 18:19, 18:30

Fairness, adjudicatory proceedings, § 8:4

Fiduciary activities, by judges, § 28:20

Fiduciary duty, breach of

Generally, § 2:2, 2:10 to 2:11

Concerns with standard formulation, § 2:11

Standard formulation of fiduciary relationship, § 2:10

Filing requirements, public advertisements and written solicitations, § 12:7

Financial activities, by judges, § 28:13 to 28:19

Fraud, actions available to clients and non-clients, § 3:7

Government employment, successive government and private employment, § 6:11

Immunity, defense to malpractice action, § 4:19

Impartiality, tribunal, maintaining impartiality of, § 8:5

Indemnity, defense to malpractice action, § 4:18

Independence, professional independence of lawyer, § 10:4

Infliction of emotional distress, non-clients only, actions available to, § 3:12

Judicial campaign fairness act, compliance with, § 29:21

Judicial estoppel, defense to malpractice action, § 4:15

Jurisdiction, § 13:5, 18:19

Jury system, maintaining integrity of, § 8:6

Justices of the peace, compliance with Texas Code of Judicial Conduct, § 30:6

Law clerks, attorney-client relationship, § 6:12

Law firms, dividing fees among different firms, § 1:18

Litigation

Attorney's fees, unpaid, § 1:14, 1:15

Authority of attorney, § 1:10

Minimizing burdens and delays of, § 8:2

Maintaining integrity of profession, § 13:2

Malicious prosecution, non-clients only, actions available to, § 3:10

INDEX

ETHICS—Cont'd Malpractice Generally, § 2:1, 2:4 to 2:9 Abandonment, defense of, § 4:12 Abatement, defense of, § 4:5 Alternative remedy, availability of, § 4:6 Assumption of risk, § 4:8 Attorney-client relationship, § 2:4 Causation, § 2:8 Clients Criminal or other misconduct as sole proximate cause, § 4:16 Instructions, following as defense, § 4:9 Mitigation of damages, client's failure, § 4:17 Settlement, acceptance of, § 4:11 Collateral estoppel, defense of, § 4:14 Contribution, defense of, § 4:18 Contributory negligence, defense of, § 4:7 Damages, § 2:9 Defensive issues Generally, § 4:1 to 4:21 Abandonment, § 4:12 Abatement, § 4:5 Alternative remedy, availability of, § 4:6 Assumption of risk, § 4:8 Client's criminal or other misconduct as sole proximate cause, § 4:16 Client's instructions, following, § 4:9 Collateral estoppel, § 4:14 Contribution, § 4:18 Contributory negligence, § 4:7 Equitable estoppel, § 4:15 Estoppel, § 4:15 Immunity, § 4:19 Indemnity, § 4:18 Judicial estoppel, § 4:15 Mitigation of damages, client's failure, § 4:17 Non-assignability of claim, § 4:10 Prematurity, § 4:5 Privilege, § **4:20** Ratification, § 4:12 Release, § 4:21 Res judicata, § 4:13 Settlement, client's acceptance of, § 4:11 Waiver, § 4:12 Equitable estoppel, defense of, § 4:15 Estoppel, defense of, § 4:15 Factors affecting standard of care, § 2:7 Hughes/Apex Towing rule of tolling, § 4:3 Immunity, defense of, § 4:19

ETHICS—Cont'd Malpractice—Cont'd Indemnity, defense of, § 4:18 Judicial estoppel, defense of, § 4:15 Matter of law, § 2:6 Mitigation of damages, client's failure, § 4:17 Non-assignability of claim, § 4:10 Prematurity, defense of, § 4:5 Privilege, defense of, § 4:20 Question of fact, § 2:6 Ratification, defense of, § 4:12 Release, defense of, § 4:21 Res judicata, defense of, § 4:13 Settlement, client's acceptance of, § 4:11 Standard of care, § 2:5, 2:7 Statute of limitations Generally, § 4:1 to 4:4 Fraudulent concealment, tolling based on, § 4:4 Hughes/Apex Towing rule of tolling, § 4:3 Other causes of action, applying general rule to, § 4:2 Tolling, § 4:3, 4:4 Waiver, defense of, § 4:12 Mediation, judge serving as mediator, § 28:21 Misconduct Client's criminal or other misconduct as other sole proximate cause, § 4:16 Texas Rules of Disciplinary Procedure, § 13:3, 13:4 Misrepresentation, negligent misrepresentation, § 3:6 Mitigation of damages, client's failure to mitigate, § 4:17 Municipal court judges, compliance with Texas Code of Judicial Conduct, § 30:6 Negligence Contributory negligence, as defense to malpractice action, § 4:7 Negligent misrepresentation, § 3:6 Nonadjudicative proceedings, advocates, § 8:10 Operation of law, attorney-client relationship, termination by operation of law, § 1:23 Organizations Client, organization as, § 6:13 Discriminatory, prohibiting membership by judges, § 26:21 Paralegals, nonlawyer assistants, responsibilities regarding, § 10:3 Partners, responsibilities under Texas Rules of Disciplinary Procedure, § 10:1 Payments, prohibited payments, § 12:3 Pleading, Generally, § 2:3 Practice of law Admission to bar, § 13:1 Reinstatement to bar, § 13:1 Right to practice, restrictions on, § 10:6 Texas Code of Judicial Conduct, § 28:22 Unauthorized practice of law, remote, § 10:5

Prematurity, defense to malpractice action, § 4:5

ETHICS—Cont'd

Prevailing party, award of attorney's fees pursuant to statute, § 1:17

Privilege, defense to malpractice action, § 4:20

Proceedings before the commission

Generally, § 36:1 to 36:8

Appeal of Commission decisions to Special Court of Review, § 36:4

Formal proceedings before the Commission or special master, § 36:3

Informal proceedings before the Commission, § 36:2

Public sanctions without an informal appearance, § 36:1

Removal decisions, § 36:5

Suspension, § 36:7

Voluntary resignation, § 36:6

Property, safeguarding, § 6:15

Prosecutors, special responsibilities, § 8:9

Prospective Client, duties (Rule1.18), § 6:18

Proximate cause, client's criminal or other misconduct as other sole proximate cause, $\S~4:16$

Public interest, conflicts, public interest activities, § 6:14

Public service, accepting appointments by tribunal, § 11:1

Publicity, trial publicity, § 8:7

Racketeer (Rico) act, non-clients only, actions available to, § 3:16

Ratification, defense to malpractice action, § 4:12

Reimbursement, extra-judicial activities, § 28:27

Reinstatement to bar, § 13:1

Release, defense to malpractice action, § 4:21

Reporting

Extra-judicial activities, § 28:27

Professional misconduct, § 13:3

Reports

Proceedings before the Commission per annual reports

Generally, § 35:1 to 35:2

1996 Annual Report, § 35:1

Post 2012 Sunset Review, § 35:2

Res judicata, defense to malpractice action, § 4:13

Resignation, voluntary, § 36:6

Retired judges, compliance with Texas Code of Judicial Conduct, § 30:8

Rico act, non-clients only, actions available to, § 3:16

Sanctions, § 3:14, 18:19, 18:31

Senior judges, compliance with Texas Code of Judicial Conduct, § 30:8

Services, filing requirements for public advertisements and written solicitations (Rule 7.07), § 12:7

Settlement, client's acceptance as defense in malpractice action, \S 4:11

Solicitations, prohibited solicitations, § 12:3, 12:5

Spoliation of evidence, non-clients only, actions available to, § 3:15

Standard of care, malpractice, § 2:5, 2:7

Suspension, this index

Temporary judges, compliance with Texas Code of Judicial Conduct, § 30:7

ETHICS—Cont'd

Texas Code of Judicial Conduct

ABA comparison

Avoiding impropriety (Canon 2), § 26:1

Compliance with code (Canon 6), § 30:1

Construction and terminology (Canon 8), § 32:1

Effective date of compliance (Canon 7), § 31:1

Extra-judicial activities (Canon 4), § 28:1

Performing duties impartially and diligently (Canon 3), § 27:1

Political activity (Canon 5), § 29:1

Preamble, § 24:1

Activities to improve the law, § 28:4

Adjudicative responsibilities, § 27:5

Administrative responsibilities, § 27:37 to 27:42

Appointments, extra-judicial, § 28:26

Arbitrator, judge serving as, § 28:21

Attorneys, compliance with code, § 30:9

Avoiding impropriety (Canon 2)

Generally, § 26:1 to 26:21

ABA comparison, § 26:1

Character witness, testifying as (paragraph B), § 26:20

Commentary, § 26:3

Complying with law (paragraph A), § 26:4

Discriminatory organizations, prohibiting membership in (paragraph C), § 26:21

History, § 26:2

Influence of others, permitting or conveying (paragraph B), § 26:13

Promoting public confidence (paragraph A), § 26:4

Behavior, improper, § 25:8

Bias, alleged, § 25:6

Campaign Fairness Act, compliance with, § 29:21

Candidates for judicial office, compliance with code, § 30:9

Canons, treatment of, § 23:1

Cases, public comment about, § 29:4 to 29:9

Changes in Commission on Judicial Conduct, § 22:2

Character witness, testifying as, § 26:20

Charitable activities, § 28:9 to 28:12

Civic activities, § 28:9 to 28:12

Code, history of, § 21:2

Commentaries

Avoiding impropriety (Canon 2), § 26:3

Compliance with Code (Canon 6), § 30:3

Construction and terminology (Canon 8), § 32:3

Effective date of compliance (Canon 7), § 31:3

Extra-judicial activities (Canon 4), § 28:3

Judicial integrity and independence (Canon 1), § 25:3

Performing duties impartially and diligently (Canon 3), § 27:3

Political activity (Canon 5), § 29:3

Preamble, § 24:3

ETHICS—Cont'd Texas Code of Judicial Conduct—Cont'd Comments, inaccurate, knowing or reckless, § 29:8 to 29:12 Commission, history of, § 21:1 Commission on Judicial Conduct today Generally, § 22:1 to 22:4 Changes in Commission, § 22:2 Composition, § 22:1 Governing provisions, § 22:3 Commissioners, compliance with code Full-time, § 30:4 Part-time, § 30:7 Compensation for extra-judicial activities, § 28:27 Compliance with Code (Canon 6) Generally, § 30:1 to 30:9 ABA comparison, § 30:1 Attorneys (Paragraph H), § 30:9 Candidates for judicial office (Paragraph G), § 30:9 Commentary, § 30:3 Commissioners Full-time (Paragraph A), § 30:4 Part-time (Paragraph D), § 30:7 County judges (Paragraph B), § 30:5 History, § 30:2 Judges, full-time (Paragraph A), § 30:4 Justices, full-time (Paragraph A), § 30:4 Justices of the peace (Paragraph C), § 30:6 Magistrates Full-time (Paragraph A), § 30:4 Part-time (Paragraph D), § 30:7 Masters Full-time (Paragraph A), § 30:4 Part-time (Paragraph D), § 30:7 Municipal court judges (Paragraph C), § 30:6 Referees Full-time (Paragraph A), § 30:4 Part-time (Paragraph D), § 30:7 Retired judges (Paragraph F), § 30:8 Senior judges (Paragraph F), § 30:8 Temporary judges (Paragraph E), § 30:7 Complying with law, § 26:4 Composition of Commission on Judicial Conduct, § 22:1 Construction and terminology (Canon 8) Generally, § 32:1 to 32:3 ABA comparison, § 32:1 Commentary, § 32:3 History, § 32:2 County judges, compliance with code, § 30:5

```
ETHICS—Cont'd
  Texas Code of Judicial Conduct—Cont'd
    Disciplinary responsibilities, § 27:43
    Discriminatory organizations, prohibiting membership in, § 26:21
    Duties, extra-judicial, § 28:4
    Effective date of compliance (Canon 7)
       Generally, § 31:1 to 31:3
       ABA comparison, § 31:1
       Commentary, § 31:3
       History, § 31:2
    Elections
       Involvements with, § 25:5
       Judicial Campaign Fairness Act, compliance with, § 29:21
    Endorsement of candidate for public office, prohibition on, § 29:13
    Extra-judicial acts (Canon 4)
       Generally, § 28:1 to 28:27
       ABA comparison, § 28:1
       Activities to improve the law (Paragraph B), § 28:4
       Appointments, extra-judicial (Paragraph H), § 28:26
       Arbitrator, serving as (Paragraph F), § 28:21
       Charitable activities (Paragraph C), § 28:9 to 28:12
       Civic activities (Paragraph C), § 28:9 to 28:12
       Commentary, § 28:3
       Compensation (Paragraph I), § 28:27
       Extra-judicial duties (Paragraph A), § 28:4
       Fiduciary activities, § 28:20
       Financial activities (Paragraph D), § 28:13 to 28:19
       History, § 28:2
       Mediator, serving as (Paragraph F), § 28:21
       Practice of law (Paragraph G), § 28:22
       Reimbursement (Paragraph I), § 28:27
       Reporting (Paragraph I), § 28:27
    Fiduciary activities, § 28:20
    Financial activities, § 28:13 to 28:19
    Full-time judges etc., compliance with code, § 30:4
    History
       Avoiding impropriety (Canon 2), § 26:2
       Code, § 21:2
       Commission, § 21:1
       Compliance with Code (Canon 6), § 30:2
       Construction and terminology (Canon 8), § 32:2
       Effective date of compliance (Canon 7), § 31:2
       Extra-judicial activities (Canon 4), § 28:2
       Integrity and independence of judiciary (Canon 1), § 25:2
       Performing duties impartially and diligently (Canon 3), § 27:2
       Political activity (Canon 5), § 29:2
       Preamble, § 24:2
    Inaccurate comments, knowing or reckless, § 29:8 to 29:12
```

ETHICS—Cont'd Texas Code of Judicial Conduct—Cont'd Influence of others, permitting or conveying, § 26:13 Judicial acts, improper, § 25:7 Judicial Campaign Fairness Act, compliance with, § 29:21 Judicial integrity and independence (Canon 1) Generally, § 25:1 to 25:8 ABA comparison, § 25:1 Bias, alleged, § 25:6 Commentary, § 25:3 Elections, involvements with, § 25:5 History, § 25:2 Improper judicial acts, § 25:7 Oral remarks, inappropriate, § 25:4 Other improper behavior, § 25:8 Justices and judges, full-time, compliance with code, § 30:4 Justices of the peace, compliance with code, § 30:6 Law, complying with, § 26:4 Magistrates, compliance with code Full-time, § 30:4 Part-time, § 30:4 Masters, compliance with code Full-time, § 30:4 Part-time, § 30:7 Mediator, judge serving as, § 28:21 Municipal court judges, compliance with code, § 30:6 Oral remarks, inappropriate, § 25:4 Organizations, discriminatory, prohibiting membership in, § 26:21 Part-time commissioners etc., compliance with code, § 30:4 Performing duties impartially and diligently (Canon 3) Generally, § 27:1 to 27:45 ABA comparison, § 27:1 Adjudicative responsibilities, § 27:5 Administrative responsibilities, § 27:37 to 27:42 Commentary, § 27:3 Disciplinary responsibilities, § 27:43 History, § 27:2 Precedence of judicial activity, § 27:4 Political activity (Canon 5) Generally, § 29:1 to 29:21 ABA comparison, § 29:1 Cases, public comment about (Paragraph 1(i)), § 29:4 to 29:9 Commentary, § 29:3 Endorsement of candidate for public office, prohibition on (Paragraph 2), § 29:13 History, § 29:2 Inaccurate comments, knowing or reckless (Paragraph 1), § 29:8 to 29:12 Judicial Campaign Fairness Act, compliance with, § 29:21 Resign-to-run rule (Paragraph 3), § 29:18

```
ETHICS—Cont'd
  Texas Code of Judicial Conduct—Cont'd
    Practice of law, § 28:22
    Preamble
       Generally, § 24:1 to 24:3
       ABA comparison, § 24:1
       Commentary, § 24:3
       History, § 24:2
    Precedence of judicial activity, § 27:4
    Public confidence, promoting, § 26:4
    Referees, compliance with code
       Full-time, § 30:4
       Part-time, § 30:7
     Reimbursement for extra-judicial activities, § 28:27
     Reporting extra-judicial activities, § 28:27
    Resign-to-run rule, § 29:18
    Retired judges, compliance with code, § 30:8
    Senior judges, compliance with code, § 30:8
    Temporary judges, compliance with code, § 30:7
    Treatment of the Procedural Rules, § 23:2
  Texas deceptive trade practices act, actions available to clients and non-clients, § 3:5
  Texas Rules of Disciplinary Procedure
    Generally, § 5:1 to 5:5
     Accepting appointments by tribunal (Rule 6.01), § 11:1
     Adjudicators, § 17:5
     Adjudicatory officials (Rule 1.12), § 6:12
    Adjudicatory proceedings, fairness in (Rule 3.04), § 8:4
     Admission to bar (Rule 8.01), § 13:1
     Advertisements in the public media (Rules 7.04, 7.07), § 12:4, 12:7
    Advisor (Rule 2.01), § 7:1
     Advocate
       Generally, § 8:1 to 8:10
       Candor toward the tribunal (Rule 3.03), § 8:3
       Fairness in adjudicatory proceedings (Rule 3.04), § 8:4
       Impartiality of tribunal, maintaining (Rule 3.05), § 8:5
       Integrity of jury system, maintaining (Rule 3.06), § 8:6
       Meritorious claims and contentions (Rule 3.01), § 8:1
       Minimizing burdens and delays of litigation (Rule 3.02), § 8:2
       Nonadjudicative proceedings, advocate in (Rule 3.10), § 8:10
       Prosecutor's special responsibilities (Rule 3.09), § 8:9
       Trial publicity (Rule 3.07), § 8:7
       Witness, lawyer as (Rule 3.08), § 8:8
     Appointments by tribunal, accepting (Rule 6.01), § 11:1
     Background, § 5:1
    Candor toward the tribunal (Rule 3.03), § 8:3
    Case law, § 18:5
    Client-lawyer relationship
```

Generally, § 6:1 to 6:17

ETHICS—Cont'd Texas Rules of Disciplinary Procedure—Cont'd Client-lawyer relationship—Cont'd Adjudicatory officials (Rule 1.12), § 6:12 Communication (Rule 1.03), § 6:3 Competent representation (Rule 1.01), § 6:1 Confidentiality of information (Rule 1.05), § 6:5 Conflict of interest Former client (Rule 1.09), § 6:9 General rule (Rule 1.06), § 6:6 Intermediary (Rule 1.07), § 6:7 Prohibited transactions (Rule 1.08), § 6:8 Declining representation (Rule 1.16), § 6:16 Diligent representation (Rule 1.01), § 6:1 Fees (Rule 1.04), § 6:4 Former client (Rule 1.09), § 6:9 Law clerks (Rule 1.12), § 6:12 Objective of representation (Rule 1.02), § 6:2 Organization as client (Rule 1.13), § 6:13 Public interest activities, conflicts (Rule 1.14), § 6:14 Safeguarding property (Rule 1.15), § 6:15 Scope of representation (Rule 1.02), § 6:2 Successive government and private employment (Rule 1.11), § 6:11 Terminating representation (Rule 1.16), § 6:16 Communication Client-lawyer relationship (Rule 1.03), § 6:3 Lawyer's services (Rule 7.02), § 12:2 Persons represented by counsel (Rule 4.02), § 9:2 Competent representation (Rule 1.01), § 6:1 Composition of panel, § 18:12 Compulsory discipline, § 19:1, 19:2 Confidentiality, § 6:5, 18:35 Counselor (Rules 2.01-2.02), § 7:1, 7:2 Crime, intentional, compulsory discipline, § 19:1 Declining representation (Rule 1.16), § 6:16 Digital solicitations (Rules 7.05, 7.07), § 12:5 Diligent representation (Rule 1.01), § 6:1 Disciplinary matters (Rule 8.01), § 13:1 Disciplinary procedure for grievances alleging, § 17:16 et seq. Access to confidential information, § 17:120 Appeals Appeals from district court judgment, § 17:72 Enforcement of judgments, § 17:74 Evidentiary panel judgment, § 17:73 Reinstatement after disbarment or resignation in lieu of discipline, § 17:76 Judgment of the court, § 17:81 Litigating the petition for reinstatement, § 17:80 petition, service, notice to profession, § 17:79

ETHICS—Cont'd Texas Rules of Disciplinary Procedure—Cont'd Disciplinary procedure for grievances alleging, § 17:16 et seq.—Cont'd Appeals—Cont'd Reinstatement after disbarment or resignation in lieu of discipline, § 17:76 —Cont'd Predicates for reinstatement, § 17:78 Readmission, § 17:83 stay pending appeal, § 17:82 Waiting periods, § 17:77 Resignation in lieu of discipline, § 17:75 Cessation of practice, § 17:116 Appointment of custodian attorney, custodian attorneys designated duties, § 17:118 Seeking court assumption of jurisdiction over law practice, § 17:117 Classification of grievances, § 17:22 et seq. Complaint, § 17:26 Discretionary referral, § 17:25 Inquiry, § 17:24 Overview, § 17:23 Compulsory discipline, § 17:84 et seq. Appeal from compulsory discipline, § 17:93 Duty to self-report, § 17:85 Elements of petition; proof of elements, § 17:89 Evidentiary proceedings before BODA, § 17:90 Forum for compulsory discipline proceedings, § 17:87 Forum for compulsory discipline proceedings, Interim suspension, § 17:88 Implications of pending criminal appeal, § 17:91 Intentional crimes, § 17:86 Outcome of criminal case probation, § 17:94 Sanctions, § 17:92 Confidentiality, § 17:119 Contents of the grievance, § 17:20 Disability suspension, § 17:106 et seq. Defined, raising, confidentiality, § 17:107 Disability probation, Appeals, § 17:115 District disability committee proceedings, § 17:109 Reinstatement, Initiation, confidentiality, venue, § 17:110 Disability Probation, § 17:114 Discovery, § 17:111 Evidentiary proceeding, § 17:112 Judgment, § 17:113 Screening and assignment of disability grievance, § 17:108 Effect of disciplinary action on other litigation, § 17:121 Filing the grievance, § 17:21 Finding of just cause, interim suspension, settlement deliberations, § 17:43

Form of the grievance, § 17:19

ETHICS—Cont'd Texas Rules of Disciplinary Procedure—Cont'd Disciplinary procedure for grievances alleging, § 17:16 et seq.—Cont'd Hearing before evidentiary panel, Appointment of evidentiary panel, § 17:44 Discovery, § 17:48 Evidentiary hearing, § 17:50 Evidentiary panel decision, § 17:51 Evidentiary petition, § 17:45 Scheduling the evidentiary hearing, mandatory alternative dispute resolution, § 17:47 Service of the evidentiary petition, answer, default, § 17:46 Subpoenas for hearing, § 17:49 Immunity, § 17:124 Judgment, § 17:67 et seq. Motion to revoke probation, § 17:71 Petition to stay suspension pending appeal, § 17:69 Post judgment proceedings and procedures, § 17:68 Revocation of probated suspension, § 17:70 Just cause determination, § 17:37 et seq. Deadlines, § 17:38 Grievance referral program, § 17:41 Investigation, § 17:39 Investigatory hearing, § 17:40 Limitations, § 17:122 Maintenance of funds or other property held for clients and others, § 17:125 Other matters in the Rules of Disciplinary Procedure, Residence, § 17:123 Preparing and filing the grievance, § 17:18 Reciprocal discipline, § 17:95 et seq. Answering the petition, § 17:102 Appeal, § 17:105 BODA responsibilities, § 17:104 Default discipline, § 17:103 Discovery of discipline imposed against an attorney by other jurisdictions, § 17:97 Initiating reciprocal discipline, § 17:96 Notice to respondent and deadlines, § 17:100 Periodic searches of the National Lawyer Regulatory Data Bank, § 17:99 Proving the other jurisdiction8217s discipline, § 17:101 Self-reporting requirement, § 17:98 Responding to the complaint Contents of the response, § 17:29 Contents of the response, Exhibits, § 17:35 Contents of the response, Impeach complainant, § 17:33 Contents of the response, Prayer for relief, § 17:34 Contents of the response, Specific responses, § 17:32 Duty to respond and extensions, § 17:28 Factual overview, § 17:31 Filing the response, replies and surreplies, § 17:36

ETHICS—Cont'd Texas Rules of Disciplinary Procedure—Cont'd Disciplinary procedure for grievances alleging, § 17:16 et seq.—Cont'd Responding to the complaint—Cont'd Introducing the respondent, § 17:30 Overview, § 17:27 Sanctions, § 17:60 et seq. Aggravating and mitigating circumstances, § 17:64 Availability of private reprimand, § 17:65 Client security fund, § 17:61 Considerations for sanctions, Overview, § 17:62 Generally appropriate, § 17:63 Review, § 17:66 Summary disposition, § 17:42 Trial in district court, Notice to administrative judge, § 17:52 et seq. Assignment of district court judge, § 17:54 Discovery, § 17:57 Docketing and service of the disciplinary petition, answer, § 17:55 Right to jury trial, trial setting, § 17:58 Settlement, § 17:56 Trial procedure, § 17:59 Venue, § 17:53 Who may file, § 17:17 Discriminatory activities, prohibited (Rule 5.08), § 10:7 Electronic solicitations (Rules 7.05, 7.07), § 12:5 Employment, prohibited (Rule 7.06), § 12:6 Evaluation for use by third persons (Rule 2.02), § 7:2 Evidence, § 18:19, 18:30 Fairness in adjudicatory proceedings (Rule 3.04), § 8:4 Fees, § 6:4 Filing requirements for public advertisements and written solicitations (Rule 7.07), § 12:7 Former client, conflict of interest, § 6:9 Glossary of terms, § 17:7 Terms related to adjudication of disciplinary litigation, § 17:9 Terms related to the initial grievance, § 17:8 Government and private employment, successive (Rule 1.11), § 6:11 Impartiality of tribunal, maintaining (Rule 3.05), § 8:5 Information about legal services Generally, § 12:1 to 12:7 Advertisements in the public media (Rule 7.04), § 12:4 Communication concerning lawyer's services (Rule 7.02), § 12:2 Digital solicitations, prohibited (Rule 7.05), § 12:5 Electronic solicitations, prohibited (Rule 7.05), § 12:5 Employment, prohibited (Rule 7.06), § 12:6 Firm names (Rule 7.01), § 12:1 Letterhead (Rule 7.01), § 12:1

Payments, prohibited (Rule 7.03), § 12:3

ETHICS—Cont'd Texas Rules of Disciplinary Procedure—Cont'd Information about legal services—Cont'd Solicitations, prohibited (Rule 7.03), § 12:3 Written solicitations, prohibited (Rule 7.05), § 12:5 Inquiry or complaint, § 18:6 Integrity of jury system, maintaining (Rule 3.06), § 8:6 Judicial officials, maintaining integrity of profession (Rule 8.02), § 13:2 Jurisdiction, § 13:5, 18:19 Jury system, maintaining integrity of (Rule 3.06), § 8:6 Just cause, § 18:12 Law clerks (Rule 1.12), § 6:12 Law firms and associations Generally, § 10:1 to 10:7 Discriminatory activities, prohibited (Rule 5.08), § 10:7 Firm names (Rule 7.01), § 12:1 Letterhead (Rule 7.01), § 12:1 Nonlawyer assistants, responsibilities regarding (Rule 5.03), § 10:3 Partner, responsibilities of (Rule 5.01), § 10:1 Professional independence of lawyer (Rule 5.04), § 10:4 Restrictions on right to practice (Rule 5.06), § 10:6 Supervised lawyer, responsibilities of (Rule 5.02), § 10:2 Supervising lawyer, responsibilities of (Rule 5.01), § 10:1 Unauthorized practice of law (Rule 5.05), § 10:5 Lawver as witness (Rule 3.08), § 8:8 Legal officials, maintaining integrity of profession (Rule 8.02), § 13:2 Legislative action, § 18:3 Letterhead (Rule 7.01), § 12:1 Litigation, minimizing burdens and delays of (Rule 3.02), § 8:2 Maintaining integrity of profession Generally, § 13:1 to 13:5 Admission to bar (Rule 8.01), § 13:1 Disciplinary matters (Rule 8.01), § 13:1 Judicial officials (Rule 8.02), § 13:2 Jurisdiction (Rule 8.05), § 13:5 Legal officials (Rule 8.02), § 13:2 Misconduct (Rule 8.04), § 13:4 Reinstatement to bar (Rule 8.01), § 13:1 Reporting professional misconduct (Rule 8.03), § 13:3 Meritorious claims and contentions (Rule 3.01), § 8:1 Minimizing burdens and delays of litigation (Rule 3.02), § 8:2 Misconduct (Rule 8.04), § 13:4 Nonadjudicative proceedings, advocate in (Rule 3.10), § 8:10 Nonclient relationships Generally, § 9:1 to 9:4 Communication with persons represented by counsel (Rule 4.02), § 9:2

Third persons, respect for rights of (Rule 4.04), § 9:4 Truthfulness in statements to others (Rule 4.01), § 9:1

ETHICS—Cont'd Texas Rules of Disciplinary Procedure—Cont'd Nonclient relationships—Cont'd Unrepresented persons, dealing with (Rule 4.03), § 9:3 Nonlawyer assistants, responsibilities regarding (Rule 5.03), § 10:3 Objective of representation (Rule 1.02), § 6:2 Organization as client (Rule 1.13), § 6:13 Overview, § 5:2 Paralegals, responsibilities regarding (Rule 5.03), § 10:3 Participants in disciplinary process, Directory of individuals and entities, § 17:2 et Parties, § 17:4 Partner in law firm, responsibilities of (Rule 5.01), § 10:1 Payments, prohibited (Rule 7.03), § 12:3 Practitioners guide, § 17:1 to 17:125 Preamble Generally, § 5:1 to 5:5 Lawyer's responsibilities, § 5:3 Scope, § 5:4 Terminology, § 5:4 Procedural rules, proposed changes, and legislative alterations Generally, § 18:1 to 18:35 Case law, § 18:5 to 18:35 Legislative action, § 18:3 Procedural guidelines, § 18:4 Referendum '98, § 18:2 Professional independence of lawyer (Rule 5.04), § 10:4 Property, safeguarding (Rule 1.15), § 6:15 Prosecutor's special responsibilities (Rule 3.09), § 8:9 Public access, § 18:35 Public interest activities, conflicts (Rule 1.14), § 6:14 Public service, § 11:1 Publicity, trial (Rule 3.07), § 8:7 Reciprocal discipline, § 8:15 Referendum '98, § 18:2 Reinstatement and assumption of practice, § 13:1 Reporting professional misconduct (Rule 8.03), § 13:3 Resources regarding disciplinary procedure, § 17:10 Disciplinary system entities and their internal rules, § 17:12 Oversight entities, § 17:13 Resources for understanding the attorney discipline system, § 17:14 Texas ethics statutes, rules, and orders, § 17:11 Restitution, § 18:31 Restrictions on right to practice (Rule 5.06), § 10:6

Right to practice, restrictions on (Rule 5.06), § 10:6

Safeguarding property (Rule 1.15), § 6:15

Sanctions, § 18:19, 18:31, 18:32

Rule makers, § 17:4

ETHICS—Cont'd

Texas Rules of Disciplinary Procedure—Cont'd

Scope of representation (Rule 1.02), § 6:2

Service providers, § 17:6

Severability of provisions (Rule 9.01), § 14:1

Solicitations, prohibited (Rules 7.03, 7.05), § 12:3, 12:5

Successive government and private employment (Rule 1.11), § 6:11

Supervised lawyer, responsibilities of (Rule 5.02), § 10:2

Supervising lawyer, responsibilities of (Rule 5.01), § 10:1

Suspension, this index

Terminating representation (Rule 1.16), § 6:16

Terminology, § 5:5

Third persons

Evaluation for use by (Rule 2.02), § 7:2

Respect for rights of (Rule 4.04), § 9:4

Trial publicity (Rule 3.07), § 8:7

Tribunal

Accepting appointments by (Rule 6.01), § 11:1

Candor toward (Rule 3.03), § 8:3

Maintaining impartiality of (Rule 3.05), § 8:5

Truthfulness in statements to others (Rule 4.01), § 9:1

Unauthorized practice of law (Rule 5.05), § 10:5

Understanding the attorney discipline system

Other law review articles CLE papers, § 17:15

Unrepresented persons, dealing with (Rule 4.03), § 9:3

Witness, lawyer as (Rule 3.08), § 8:8

Written solicitations (Rules 7.05, 7.07), § 12:5, 12:7

Tolling, statute of limitations in malpractice action, § 4:3, 4:4

Tortious interference, non-clients only, actions available to, § 3:13

Trials, publicity, § 8:7

Unauthorized practice of law, Texas Rules of Disciplinary Procedure, § 10:5

Waiver, defense to malpractice action, § 4:12

Witnesses

Character witness, judge as, § 26:20

Lawyer as witness, § 8:8

FAIRNESS

Adjudicatory proceedings, § 8:4

FIDUCIARY ACTIVITIES

By judges, § 28:20

FIDUCIARY DUTY, BREACH OF

Generally, § 2:2, 2:10 to 2:11

Concerns with standard formulation, § 2:11

Standard formulation of fiduciary relationship, § 2:10

FINANCIAL ACTIVITIES

By judges, § 28:13 to 28:19

FRAUD

Actions available to clients and non-clients, § 3:7

GOVERNMENT EMPLOYMENT

Successive government and private employment, § 6:11

GRIEVANCE OVERSIGHT COMMITTEE

History of rules of disciplinary procedure, § 16:5

IMMUNITY

Defense to malpractice action, § 4:19

IMPARTIALITY

Tribunal, maintaining impartiality of, § 8:5

INDEMNITY

Defense to malpractice action, § 4:18

INDEPENDENCE

Professional independence of lawyer, § 10:4

INFLICTION OF EMOTIONAL DISTRESS

Non-clients only, actions available to, § 3:12

JUDGES

Appointments

Accepting appointments by tribunal, § 11:1

Extra-judicial appointments, § 28:26

Bias

Alleged, § 25:6

Disqualification, § 40:13 to 40:20

Recusal, § 40:42 to 40:46

Disqualification

Generally, § 40:1 to 40:20

Bias, § 40:13 to 40:20

Effect of disqualification, § 40:30

Interest in controversy, § 40:3 to 40:7

Party to a suit, § 40:10 to 40:12

Previously serving as counsel in a civil case, § 40:2

Previously serving as counsel in a criminal case, § 40:9

Procedure for disqualification, § 40:21 to 40:29

Recusal vs. disqualification, § 39:2

Relationship to a party, § 40:8

Maintaining integrity of profession, § 13:2

Proceedings Before the Commission on Judicial Conduct, this index

Recusal

Generally, § 40:21 to 40:29

Generally, § 40:31 to 40:72

Campaign contributions and political support, § 40:42 to 40:46

Courtroom events, § 40:25 to 40:41, 40:53

Disqualification vs. recusal, § 39:2

Effect of recusal, § 40:107, 40:108

JUDGES—Cont'd

Recusal—Cont'd

Ex parte communications, § 40:64 to 40:68

"Extrajudicial source," § 40:35 to 40:41, 40:60 to 40:63

Familial relationship, § 40:72

Federal and state provisions, § 40:88 to 40:92

Financial interest in proceeding, § 40:71

Impartiality might be reasonably questioned, generally, § 40:32 to 40:41

Justices of the Peace, § 40:105

Material witness or public opinion concerning the proceeding, § 40:70

Personal bias or prejudice or personal knowledge, generally, § 40:48 to 40:69

Procedure, 10-day requirement, § 40:78 to 40:87

Procedure for recusal, § 40:73 to 40:77

Review, § 40:93 to 40:96

Removal

Generally, § 37:1, 38:1 to 38:5, 40:1 to 40:125

Associate judges, § 40:124

Caperton v. Massey Coal, § 39:5

Civil procedure rules, § 38:5

Codes of Judicial Conduct, § 38:3

Constitutional provisions, § 38:1

Disqualification, § 39:2

Disqualification, above

"Extrajudicial source" doctrine, § 39:3

Federal guidelines, § 39:1 to 39:5

Federal provisions, § 38:2

Liteky v. United States, § 39:1

Procedural irregularities, § 40:125

Proceedings before the commission, removal decisions, § 36:5

Recusal. § 39:2

Recusal, above

Statutory provisions, § 38:4

Statutory strikes, § 40:109 to 40:123

United States v. Cooley, § 39:4

Texas Code of Judicial Conduct, this index

JUDICIAL CAMPAIGN FAIRNESS ACT

Compliance with, § 29:21

JUDICIAL ESTOPPEL

Defense to malpractice action, § 4:15

JURISDICTION

Texas Disciplinary Rules of Professional Conduct, § 13:5

Texas Rules of Disciplinary Procedure, § 18:19

JURY SYSTEM

Maintaining integrity of, § 8:6

JUSTICES OF THE PEACE

Compliance with Texas Code of Judicial Conduct, § 30:6 Recusal, § 40:105

LAW CLERKS

Attorney-client relationship, § 6:12

LAW FIRMS

Dividing fees among different firms, § 1:18

LITIGATION

Attorney's fees, unpaid, § 1:14, 1:15 Authority of attorney, § 1:10 Minimizing burdens and delays of, § 8:2

MALICIOUS PROSECUTION

Non-clients only, actions available to, § 3:10

MALPRACTICE

Generally, § 2:1, 2:4 to 2:9

Abandonment, defense of, § 4:12

Abatement, defense of, § 4:5

Alternative remedy, availability of, § 4:6

Assumption of risk, § 4:8

Attorney-client relationship, § 2:4

Causation, § 2:8

Clients

Criminal or other misconduct as sole proximate cause, § 4:16

Instructions, following as defense, § 4:9

Mitigation of damages, client's failure, § 4:17

Settlement, acceptance of, § 4:11

Collateral estoppel, defense of, § 4:14

Contribution, defense of, § 4:18

Contributory negligence, defense of, § 4:7

Damages, § 2:9

Defensive issues

Generally, § 4:1 to 4:21

Abandonment, § 4:12

Abatement, § 4:5

Alternative remedy, availability of, § 4:6

Assumption of risk, § 4:8

Client's criminal or other misconduct as sole proximate cause, § 4:16

Client's instructions, following, § 4:9

Collateral estoppel, § 4:14

Contribution, § 4:18

Contributory negligence, § 4:7

Equitable estoppel, § 4:15

Estoppel, § **4:15**

Immunity, § 4:19

Indemnity, § 4:18

Index-28

MALPRACTICE—Cont'd Defensive issues—Cont'd Judicial estoppel, § 4:15 Mitigation of damages, client's failure, § 4:17 Non-assignability of claim, § 4:10 Prematurity, § 4:5 Privilege, § 4:20 Ratification, § 4:12 Release, § 4:21 Res judicata, § 4:13 Settlement, client's acceptance of, § 4:11 Waiver, § 4:12 Equitable estoppel, defense of, § 4:15 Estoppel, defense of, § 4:15 Factors affecting standard of care, § 2:7 Hughes/Apex Towing rule of tolling, § 4:3 Immunity, defense of, § 4:19 Indemnity, defense of, § 4:18 Judicial estoppel, defense of, § 4:15 Matter of law, § 2:6 Mitigation of damages, client's failure, § 4:17 Non-assignability of claim, § 4:10 Prematurity, defense of, § 4:5 Privilege, defense of, § 4:20 Question of fact, § 2:6 Ratification, defense of, § 4:12 Release, defense of, § 4:21 Res judicata, defense of, § 4:13 Settlement, client's acceptance of, § 4:11 Standard of care, § 2:5, 2:7 Statute of limitations Generally, § 4:1 to 4:4 Fraudulent concealment, tolling based on, § 4:4 Hughes/Apex Towing rule of tolling, § 4:3 Other causes of action, applying general rule to, § 4:2 Tolling, § 4:3, 4:4 Waiver, defense of, § 4:12

MEDIATION

Judge serving as mediator, § 28:21

MISCONDUCT

Client's criminal or other misconduct as other sole proximate cause, § 4:16 Texas Rules of Disciplinary Procedure, § 13:3, 13:4

MISREPRESENTATION

Negligent misrepresentation, § 3:6

MODEL CODE OF PROFESSIONAL RESPONSIBILITY

Texas Disciplinary Rules of Professional Conduct compared. Texas Disciplinary Rules of Professional Conduct, this index

MUNICIPAL COURT JUDGES

Compliance with Texas Code of Judicial Conduct, § 30:6

NEGLIGENCE

Contributory negligence, as defense to malpractice action, § 4:7 Negligent misrepresentation, § 3:6

NONADJUDICATIVE PROCEEDINGS

Advocates, § 8:10

NONPROFIT ORGANIZATIONS

Conflict of interest exceptions, § 11:2

OPERATION OF LAW

Attorney-client relationship, termination by operation of law, § 1:23

ORGANIZATIONS

Client, organization as, § 6:13

Discriminatory, prohibiting membership by judges, § 26:21

PARALEGALS

Nonlawyer assistants, responsibilities regarding, § 10:3

PARTNERS AND PARTNERSHIPS

Responsibilities under Texas Rules of Disciplinary Procedure, § 10:1

PAYMENTS

Prohibited payments, § 12:3

PLEADING

Generally, § 2:3

PRACTICE OF LAW

Admission to bar, § 13:1

Reinstatement to bar, § 13:1

Right to practice, restrictions on, § 10:6

Texas Code of Judicial Conduct, § 28:22

Unauthorized practice of law, remote, § 10:5

PREMATURITY

Defense to malpractice action, § 4:5

PREVAILING PARTY

Award of attorney's fees pursuant to statute, § 1:17

PRIVILEGES

Defense to malpractice action, § 4:20

PRO BONO

Conflict of interest exceptions, § 11:2

Index-30

PROCEEDINGS BEFORE THE COMMISSION ON JUDICIAL CONDUCT

Generally, § 33:1, 36:1 to 36:8

Annual reports, § 35:1 to 35:2

Appeal of Commission decisions to Special Court of Review, § 36:4

Formal proceedings before the Commission or special master, § 36:3

Informal proceedings before the Commission, § 36:2

Procedural guidelines, § 34:1

Public sanctions without an informal appearance, § 36:1

Removal decisions, § 36:5

Suspension, § 36:7

Voluntary resignation, § 36:6

PROPERTY

Safeguarding, § 6:15

PROSECUTING ATTORNEYS

Special responsibilities, § 8:9

PUBLIC INTEREST

Conflicts, public interest activities, § 6:14

PUBLIC SERVICE

Accepting appointments by tribunal, § 11:1

PUBLICITY

Trial publicity, § 8:7

RACKETEER (RICO) ACT

Non-clients only, actions available to, § 3:16

RATIFICATION

Defense to malpractice action, § 4:12

RECORDS AND RECORDING

Public advertisements and written solicitations, § 12:7

RECUSAL

Judges, this index

REIMBURSEMENT

Extra-judicial activities, § 28:27

REINSTATEMENT TO BAR

Generally, § 13:1

RELEASE

Defense to malpractice action, § 4:21

REPORTING

Extra-judicial activities, § 28:27

Professional misconduct, § 13:3

RES JUDICATA

Defense to malpractice action, § 4:13

Following just cause, § 18:27

RESIGNATIONS

Judicial ethics, § 36:6

RESTITUTION

Texas Rules of Disciplinary Procedure, § 18:31

RETIRED JUDGES

Compliance with Texas Code of Judicial Conduct, § 30:8

RICO ACT

Non-clients only, actions available to, § 3:16

SANCTIONS

Non-clients only, actions available to, § 3:14

Texas Rules of Disciplinary Procedure, § 18:19, 18:31

SENIOR JUDGES

Compliance with Texas Code of Judicial Conduct, § 30:8

SERVICES

Filing requirements for public advertisements and written solicitations (Rule 7.07), § 12:7

SOLICITATIONS

Prohibited solicitations, § 12:3, 12:5

SPOLIATION OF EVIDENCE

Non-clients only, actions available to, § 3:15

STANDARD OF CARE

Malpractice, § 2:5, 2:7

SUNSET REVIEW

History of rules of disciplinary procedure, § 16:2, 16:3, 16:6

SUSPENSION

Compulsory discipline, § 19:2

Judicial Conduct, Texas Code of, § 36:7

Pending appeal or trial, § 18:30

TEMPORARY JUDGES

Compliance with Texas Code of Judicial Conduct, § 30:7

TEXAS CODE OF JUDICIAL CONDUCT

Generally, § 20:1

ABA comparison

Avoiding impropriety (Canon 2), § 26:1

Compliance with Code (Canon 6), § 30:1

Construction and terminology (Canon 8), § 32:1

Effective date of compliance (Canon 7), § 31:1

Extra-judicial activities (Canon 4), § 28:1

Performing duties impartially and diligently (Canon 3), § 27:1

Political activity (Canon 5), § 29:1

Preamble, § 24:1

Index-32

TEXAS CODE OF JUDICIAL CONDUCT—Cont'd Activities to improve the law, § 28:4 Adjudicative responsibilities, § 27:5 Administrative responsibilities, § 27:37 to 27:42 Appointments, extra-judicial, § 28:26 Arbitrator, judge serving as, § 28:21 Attorneys, compliance with code, § 30:9 Avoiding impropriety (Canon 2) Generally, § 26:1 to 26:21 ABA comparison, § 26:1 Case law, § 26:5, 26:14 Character witness, testifying as, § 26:20 Character witness, testifying as (paragraph B), § 26:20 Commentary, § 26:3 Complying with law (paragraph A), § 26:4 Discriminatory organizations, prohibiting membership in (paragraph C), § 26:21 History, § 26:2 Influence of others, permitting or conveying (paragraph B), § 26:13 Promoting public confidence (paragraph A), § 26:4 Public sanctions, § 26:6 to 26:10, 26:15 to 26:18 Not complying with the law, § 26:8 to 26:10 Promoting public confidence, § 26:7 Texas Advisory Opinions, § 26:19 Behavior, improper, § 25:8 Bias, alleged, § 25:6 Campaign Fairness Act, compliance with, § 29:21 Candidates for judicial office, compliance with code, § 30:9 Canons, treatment of, § 23:1 Cases, public comment about, § 29:4 to 29:9 Changes in Commission on Judicial Conduct, § 22:2 Character witness, testifying as, § 26:20 Charitable activities, § 28:9 to 28:12 Civic activities, § 28:9 to 28:12 Code, history of, § 21:2 Commentaries Avoiding impropriety (Canon 2), § 26:3 Compliance with Code (Canon 6), § 30:3 Construction and terminology (Canon 8), § 32:3 Effective date of compliance (Canon 7), § 31:3 Extra-judicial activities (Canon 4), § 28:3 Judicial integrity and independence (Canon 1), § 25:3 Performing duties impartially and diligently (Canon 3), § 27:3 Political activity (Canon 5), § 29:3 Preamble, § 24:3 Comments, inaccurate, knowing or reckless, § 29:8 to 29:12 Commission, history of, § 21:1

Commission on Judicial Conduct today

Generally, § 22:1 to 22:4

TEXAS CODE OF JUDICIAL CONDUCT—Cont'd

Commission on Judicial Conduct today—Cont'd

Changes in Commission, § 22:2

Composition, § 22:1

Governing provisions, § 22:3

Possible outcomes of Commission review, § 22:4

Commissioners, compliance with code

Full-time, § 30:4

Part-time, § 30:7

Compensation for extra-judicial activities, § 28:27

Compliance with Code (Canon 6)

Generally, § 30:1 to 30:9

ABA comparison, § 30:1

Attorneys (Paragraph H), § 30:9

Candidates for judicial office (Paragraph G), § 30:9

Commentary, § 30:3

Commissioners

Full-time (Paragraph A), § 30:4

Part-time (Paragraph D), § 30:7

County judges (Paragraph B), § 30:5

History, § 30:2

Judges, full-time (Paragraph A), § 30:4

Justices, full-time (Paragraph A), § 30:4

Justices of the peace (Paragraph C), § 30:6

Magistrates

Full-time (Paragraph A), § 30:4

Part-time (Paragraph D), § 30:7

Masters

Full-time (Paragraph A), § 30:4

Part-time (Paragraph D), § 30:7

Municipal court judges (Paragraph C), § 30:6

Referees

Full-time (Paragraph A), § 30:4

Part-time (Paragraph D), § 30:7

Retired judges (Paragraph F), § 30:8

Senior judges (Paragraph F), § 30:8

Temporary judges (Paragraph E), § 30:7

Complying with law, § 26:4

Composition of Commission on Judicial Conduct, § 22:1

Construction and terminology (Canon 8)

Generally, § 32:1 to 32:3

ABA comparison, § 32:1

Commentary, § 32:3

History, § 32:2

County judges, compliance with code, § 30:5

Disciplinary responsibilities, § 27:43

Discriminatory organizations, prohibiting membership in, § 26:21

Duties, extra-judicial, § 28:4

```
TEXAS CODE OF JUDICIAL CONDUCT—Cont'd
  Effective date of compliance (Canon 7)
    Generally, § 31:1 to 31:3
    ABA comparison, § 31:1
    Commentary, § 31:3
    History, § 31:2
  Elections
    Involvements with, § 25:5
    Judicial Campaign Fairness Act, compliance with, § 29:21
  Endorsement of candidate for public office, prohibition on, § 29:13
  Extra-judicial acts (Canon 4)
    Generally, § 28:1 to 28:27
    ABA comparison, § 28:1
    Activities to improve the law, § 28:5 to 28:8
    Activities to improve the law (Paragraph B), § 28:4
    Appointments, extra-judicial (Paragraph H), § 28:26
    Arbitrator, serving as (Paragraph F), § 28:21
    Charitable activities (Paragraph C), § 28:9 to 28:12
    Civic activities (Paragraph C), § 28:9 to 28:12
    Civic or charitable activities, § 28:9 to 28:12
    Commentary, § 28:3
    Compensation (Paragraph I), § 28:27
    Extra-judicial duties (Paragraph A), § 28:4
    Fiduciary activities, § 28:20
    Financial activities (Paragraph D), § 28:13 to 28:19
    History, § 28:2
    Mediator, serving as (Paragraph F), § 28:21
    Practice of law (Paragraph G), § 28:22
    Reimbursement (Paragraph I), § 28:27
    Reporting (Paragraph I), § 28:27
  Fiduciary activities, § 28:20
  Financial activities, § 28:13 to 28:19
  Full-time judges etc., compliance with code, § 30:4
  History
    Avoiding impropriety (Canon 2), § 26:2
    Code, § 21:2
    Commission, § 21:1
    Compliance with Code (Canon 6), § 30:2
    Construction and terminology (Canon 8), § 32:2
    Effective date of compliance (Canon 7), § 31:2
    Extra-judicial activities (Canon 4), § 28:2
    Integrity and independence of judiciary (Canon 1), § 25:2
    Performing duties impartially and diligently (Canon 3), § 27:2
    Political activity (Canon 5), § 29:2
    Preamble, § 24:2
  Inaccurate comments, knowing or reckless, § 29:8 to 29:12
  Influence of others, permitting or conveying, § 26:13
  Judicial acts, improper, § 25:7
```

TEXAS CODE OF JUDICIAL CONDUCT—Cont'd

Judicial Campaign Fairness Act, compliance with, § 29:21

Judicial integrity and independence (Canon 1)

Generally, § 25:1 to 25:8

ABA comparison, § 25:1

Bias, alleged, § 25:6

Commentary, § 25:3

Elections, involvements with, § 25:5

History, § 25:2

Improper judicial acts, § 25:7

Oral remarks, inappropriate, § 25:4

Other improper behavior, § 25:8

Justices and judges, full-time, compliance with code, § 30:4

Justices of the peace, compliance with code, § 30:6

Law, complying with, § 26:4

Magistrates, compliance with code

Full-time, § 30:4

Part-time, § 30:4

Masters, compliance with code

Full-time, § 30:4

Part-time, § 30:7

Mediator, judge serving as, § 28:21

Municipal court judges, compliance with code, § 30:6

Oral remarks, inappropriate, § 25:4

Organizations, discriminatory, prohibiting membership in, § 26:21

Part-time commissioners etc., compliance with code, § 30:4

Performing duties impartially and diligently (Canon 3)

Generally, § 27:1 to 27:45

ABA comparison, § 27:1

Adjudicative responsibilities, § 27:5

Generally, § 27:5 to 27:36

Bias, § 27:21 to 27:24

Efficiency, § 27:30

Every person right to be heard, § 27:25 to 27:29

Fairness, § 27:30

Faithful to the law, § 27:7 to 27:11

Hearing matters assigned, § 27:6

Order and decorum, courtroom, § 27:12 to 27:15

Patient, dignified, and courteous, § 27:16 to 27:20

Pending proceedings, § 27:31 to 27:36

Promptness, § 27:30

Public comment, § 27:31 to 27:36

Administrative responsibilities, § 27:37 to 27:42

Commentary, § 27:3

Disciplinary responsibilities, § 27:43

History, § 27:2

Precedence of judicial activity, § 27:4

TEXAS CODE OF JUDICIAL CONDUCT—Cont'd

Political activity (Canon 5)

Generally, § 29:1 to 29:21

ABA comparison, § 29:1

Cases, public comment about (Paragraph 1(i)), § 29:4 to 29:9

Commentary, § 29:3

Endorsement of candidate for public office, prohibition on (Paragraph 2), § 29:13

History, § 29:2

Inaccurate comments, knowing or reckless (Paragraph 1), § 29:8 to 29:12

Judicial Campaign Fairness Act, compliance with, § 29:21

Resign-to-run rule (Paragraph 3), § 29:18

Practice of law, § 28:22

Preamble

Generally, § 24:1 to 24:3

ABA comparison, § 24:1

Commentary, § 24:3

History, § 24:2

Precedence of judicial activity, § 27:4

Public confidence, promoting, § 26:4

Public sanctions, § 26:6 to 26:10

Not complying with the law, § 26:8 to 26:10

Promoting public confidence, § 26:7

Referees, compliance with code

Full-time, § 30:4

Part-time, § 30:7

Reimbursement for extra-judicial activities, § 28:27

Reporting extra-judicial activities, § 28:27

Resign-to-run rule, § 29:18

Retired judges, compliance with code, § 30:8

Review by Commission on Judicial Conduct,

Possible outcomes of Commission review, § 22:4

Senior judges, compliance with code, § 30:8

Temporary judges, compliance with code, § 30:7

Treatment of the Procedural Rules, § 23:2

TEXAS DECEPTIVE TRADE PRACTICES ACT

Actions available to clients and non-clients, § 3:5

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

Generally, § 5:1 to 5:5

Accepting appointments by tribunal (Rule 6.01), § 11:1

Adjudicatory officials (Rule 1.12), § 6:12

Adjudicatory proceedings, fairness in (Rule 3.04), § 8:4

Admission to bar (Rule 8.01), § 13:1

Advertisements in the public media (Rules 7.04, 7.07), § 12:4, 12:7

Advisor (Rule 2.01), § 7:1

Advocate

Generally, § 8:1 to 8:10

Candor toward the tribunal (Rule 3.03), § 8:3

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT—Cont'd

Advocate—Cont'd

Fairness in adjudicatory proceedings (Rule 3.04), § 8:4

Impartiality of tribunal, maintaining (Rule 3.05), § 8:5

Integrity of jury system, maintaining (Rule 3.06), § 8:6

Meritorious claims and contentions (Rule 3.01), § 8:1

Minimizing burdens and delays of litigation (Rule 3.02), § 8:2

Nonadjudicative proceedings, advocate in (Rule 3.10), § 8:10

Prosecutor's special responsibilities (Rule 3.09), § 8:9

Trial publicity (Rule 3.07), § 8:7

Witness, lawyer as (Rule 3.08), § 8:8

Appointments by tribunal, accepting (Rule 6.01), § 11:1

Background, § 5:1

Candor toward the tribunal (Rule 3.03), § 8:3

Client-lawyer relationship

Generally, § 6:1 to 6:17

Adjudicatory officials (Rule 1.12), § 6:12

Client with diminished capacity (Rule 1.17), § 6:17

Communication (Rule 1.03), § 6:3

Competent representation (Rule 1.01), § 6:1

Confidentiality of information (Rule 1.05), § 6:5

Conflict of interest

Former client (Rule 1.09), § 6:9

General rule (Rule 1.06), § 6:6

Intermediary (Rule 1.07), § 6:7

Prohibited transactions (Rule 1.08), § 6:8

Declining representation (Rule 1.16), § 6:16

Diligent representation (Rule 1.01), § 6:1

Duties to Prospective Client (Rule 1.18), § 6:18

Fees (Rule 1.04), § 6:4

Former client (Rule 1.09), § 6:9

Law clerks (Rule 1.12), § 6:12

Objective of representation (Rule 1.02), § 6:2

Organization as client (Rule 1.13), § 6:13

Public interest activities, conflicts (Rule 1.14), § 6:14

Safeguarding property (Rule 1.15), § 6:15

Scope of representation (Rule 1.02), § 6:2

Successive government and private employment (Rule 1.11), § 6:11

Terminating representation (Rule 1.16), § 6:16

Communication

Client-lawyer relationship (Rule 1.03), § 6:3

Lawyer's services (Rule 7.02), § 12:2

Persons represented by counsel (Rule 4.02), § 9:2

Competent representation (Rule 1.01), § 6:1

Confidentiality, § 6:5

Conflict of interest

Nonprofit, exceptions, § 11:2

Pro bono, exceptions, § 11:2

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT—Cont'd Counselor (Rules 2.01-2.02), § 7:1, 7:2 Declining representation (Rule 1.16), § 6:16 Digital solicitations (Rules 7.05, 7.07), § 12:5 Diligent representation (Rule 1.01), § 6:1 Disciplinary matters (Rule 8.01), § 13:1 Discriminatory activities, prohibited (Rule 5.08), § 10:7 Electronic solicitations (Rules 7.05, 7.07), § 12:5 Employment, prohibited (Rule 7.06), § 12:6 Evaluation for use by third persons (Rule 2.02), § 7:2 Fairness in adjudicatory proceedings (Rule 3.04), § 8:4 Fees (Rule 1.04), § **6:4** Filing requirements for public advertisements and written solicitations (Rule 7.07), § 12:7 Former client, conflict of interest, § 6:9 Government and private employment, successive (Rule 1.11), § 6:11 Impartiality of tribunal, maintaining (Rule 3.05), § 8:5 Information about legal services Generally, § 12:1 to 12:7 Advertisements in the public media (Rule 7.04), § 12:4 Communication concerning lawyer's services (Rule 7.02), § 12:2 Digital solicitations, prohibited (Rule 7.05), § 12:5 Electronic solicitations, prohibited (Rule 7.05), § 12:5 Employment, prohibited (Rule 7.06), § 12:6 Firm names (Rule 7.01), § 12:1 Letterhead (Rule 7.01), § 12:1 Payments, prohibited (Rule 7.03), § 12:3 Solicitations, prohibited (Rule 7.03), § 12:3 Written solicitations, prohibited (Rule 7.05), § 12:5 Jury system, maintaining integrity of (Rule 3.06), § 8:6 Judicial officials, maintaining integrity of profession (Rule 8.02), § 13:2 Jurisdiction (Rule 8.05), § 13:5 Jury system, maintaining integrity of (Rule 3.06), § 8:6 Law clerks (Rule 1.12), § 6:12 Law firms and associations Generally, § 10:1 to 10:7 Discriminatory activities, prohibited (Rule 5.08), § 10:7 Firm names (Rule 7.01), § 12:1 Letterhead (Rule 7.01), § 12:1 Nonlawyer assistants, responsibilities regarding (Rule 5.03), § 10:3 Partner, responsibilities of (Rule 5.01), § 10:1 Professional independence of lawyer (Rule 5.04), § 10:4 Restrictions on right to practice (Rule 5.06), § 10:6 Supervised lawyer, responsibilities of (Rule 5.02), § 10:2 Supervising lawyer, responsibilities of (Rule 5.01), § 10:1

Unauthorized practice of law (Rule 5.05), § 10:5

Lawyer as witness (Rule 3.08), § 8:8

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT—Cont'd

Legal officials, maintaining integrity of profession (Rule 8.02), § 13:2

Letterhead (Rule 7.01), § 12:1

Litigation, minimizing burdens and delays of (Rule 3.02), § 8:2

Maintaining integrity of profession

Generally, § 13:1 to 13:5

Admission to bar (Rule 8.01), § 13:1

Disciplinary matters (Rule 8.01), § 13:1

Judicial officials (Rule 8.02), § 13:2

Jurisdiction (Rule 8.05), § 13:5

Legal officials (Rule 8.02), § 13:2

Misconduct (Rule 8.04), § 13:4

Reinstatement to bar (Rule 8.01), § 13:1

Reporting professional misconduct (Rule 8.03), § 13:3

Meritorious claims and contentions (Rule 3.01), § 8:1

Minimizing burdens and delays of litigation (Rule 3.02), § 8:2

Misconduct (Rule 8.04), § 13:4

Model Code of Professional Responsibility compared, § 5:1 et seq.

Nonadjudicative proceedings, advocate in (Rule 3.10), § 8:10

Nonclient relationships

Generally, § 9:1 to 9:4

Communication with persons represented by counsel (Rule 4.02), § 9:2

Third persons, respect for rights of (Rule 4.04), § 9:4

Truthfulness in statements to others (Rule 4.01), § 9:1

Unrepresented persons, dealing with (Rule 4.03), § 9:3

Nonlawyer assistants, responsibilities regarding (Rule 5.03), § 10:3

Objective of representation (Rule 1.02), § 6:2

Organization as client (Rule 1.13), § 6:13

Overview, § 5:2

Paralegals, responsibilities regarding (Rule 5.03), § 10:3

Partner in law firm, responsibilities of (Rule 5.01), § 10:1

Payments, prohibited (Rule 7.03), § 12:3

Preamble

Generally, § 5:1 to 5:5

Lawyer's responsibilities, § 5:3

Scope, § 5:4

Terminology, § 5:4

Professional independence of lawyer (Rule 5.04), § 10:4

Property, safeguarding (Rule 1.15), § 6:15

Prosecutor's special responsibilities (Rule 3.09), § 8:9

Public interest activities, conflicts (Rule 1.14), § 6:14

Public service, § 11:1

Publicity, trial (Rule 3.07), § 8:7

Reinstatement to bar (Rule 8.01), § 13:1

Reporting professional misconduct (Rule 8.03), § 13:3

Restrictions on right to practice (Rule 5.06), § 10:6

Right to practice, restrictions on (Rule 5.06), § 10:6

Safeguarding property (Rule 1.15), § 6:15

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT—Cont'd

Scope of representation (Rule 1.02), § 6:2

Severability of provisions (Rule 9.01), § 14:1

Solicitations, prohibited (Rules 7.03, 7.05), § 12:3, 12:5

Successive government and private employment (Rule 1.11), § 6:11

Supervised lawyer, responsibilities of (Rule 5.02), § 10:2

Supervising lawyer, responsibilities of (Rule 5.01), § 10:1

Terminating representation (Rule 1.16), § 6:16

Terminology, § 5:5

Third persons

Evaluation for use by (Rule 2.02), § 7:2

Respect for rights of (Rule 4.04), § 9:4

Trial publicity (Rule 3.07), § 8:7

Tribunal

Accepting appointments by (Rule 6.01), § 11:1

Candor toward (Rule 3.03), § 8:3

Maintaining impartiality of (Rule 3.05), § 8:5

Truthfulness in statements to others (Rule 4.01), § 9:1

Unauthorized practice of law (Rule 5.05), § 10:5

Unrepresented persons, dealing with (Rule 4.03), § 9:3

Witness, lawyer as (Rule 3.08), § 8:8

Written solicitations (Rules 7.05, 7.07), § 12:5, 12:7

TEXAS RULES OF DISCIPLINARY PROCEDURE

2004 Procedural Rules and Amendments, § 16:4

Adjudicators, § 17:5

Author8217s Introduction, § 15:1

Case law, § 18:5

Composition of panel, § 18:12

Compulsory discipline, § 19:1, 19:2

Confidentiality, § 18:35

Conflicts of Interest: General Rule (Rule1:10), § 6:10

Crime, intentional, compulsory discipline, § 19:1

Disciplinary procedure for grievances alleging, § 17:16 et seq.

Access to confidential information, § 17:120

Appeals

Appeals from district court judgment, § 17:72

Enforcement of judgments, § 17:74

Evidentiary panel judgment, § 17:73

Reinstatement after disbarment or resignation in lieu of discipline, § 17:76

Judgment of the court, § 17:81

Litigating the petition for reinstatement, § 17:80

Petition, service, notice to profession, § 17:79

Predicates for reinstatement, § 17:78

Readmission, § 17:83

Stay pending appeal, § 17:82

Waiting periods, § 17:77

Resignation in lieu of discipline, § 17:75

TEXAS RULES OF DISCIPLINARY PROCEDURE—Cont'd

Disciplinary procedure for grievances alleging, § 17:16 et seq.—Cont'd

Cessation of practice, § 17:116

Appointment of custodian attorney, custodian attorneys designated duties, § 17:118

Seeking court assumption of jurisdiction over law practice, § 17:117

Termination of Custodianship, custodian attorneys designated duties, § 17:118

Classification of grievances, § 17:22 et seq.

Complaint, § 17:26

Discretionary referral, § 17:25

Inquiry, § 17:24

Overview, § 17:23

Compulsory discipline, § 17:84 et seq.

Appeal from compulsory discipline, § 17:93

Duty to self-report, § 17:85

Elements of petition, proof of elements, § 17:89

Evidentiary proceedings before BODA, § 17:90

Forum for compulsory discipline proceedings, § 17:87

Forum for compulsory discipline proceedings, Interim suspension, § 17:88

Implications of pending criminal appeal, § 17:91

Intentional crimes, § 17:86

Outcome of criminal case probation, § 17:94

Sanctions, § 17:92

Confidentiality, § 17:119

Contents of the grievance, § 17:20

Disability suspension, § 17:106 et seq.

Defined, raising, confidentiality, § 17:107

District disability committee proceedings, § 17:109

Reinstatement, Initiation, confidentiality, venue, § 17:110

Disability Probation, § 17:114

Disability probation, Appeals, § 17:115

Discovery, § 17:111

Evidentiary proceeding, § 17:112

Judgment, § 17:113

Screening and assignment of disability grievance, § 17:108

Effect of disciplinary action on other litigation, § 17:121

Filing the grievance, § 17:21

Finding of just cause, interim suspension, settlement deliberations, § 17:43

Form of the grievance, § 17:19

Hearing before evidentiary panel, Appointment of evidentiary panel, § 17:44

Discovery, § 17:48

Evidentiary hearing, § 17:50

Evidentiary panel decision, § 17:51

Evidentiary petition, § 17:45

Scheduling evidentiary hearing, mandatory alternative dispute resolution, § 17:47

Service of the evidentiary petition; answer; default, § 17:46

Subpoenas for hearing, § 17:49

Immunity, § 17:124

TEXAS RULES OF DISCIPLINARY PROCEDURE—Cont'd Disciplinary procedure for grievances alleging, § 17:16 et seq.—Cont'd Judgment, § 17:67 et seq. Motion to revoke probation, § 17:71 Petition to stay suspension pending appeal, § 17:69 Post judgment proceedings and procedures, § 17:68 Revocation of probated suspension, § 17:70 Just cause determination, § 17:37 et seq. Deadlines, § 17:38 Grievance referral program, § 17:41 Investigation, § 17:39 Investigatory hearing, § 17:40 Limitations, § 17:122 Maintenance of funds or other property held for clients and others, § 17:125 Other matters in the Rules of Disciplinary Procedure, Residence, § 17:123

Reciprocal discipline, § 17:95 et seq. Answering the petition, § 17:102

Preparing and filing the grievance, § 17:18

Appeal, § 17:105

BODA responsibilities, § 17:104

Default discipline, § 17:103

Discovery of discipline imposed against an attorney by other jurisdictions, § 17:97

Initiating reciprocal discipline, § 17:96

Notice to respondent and deadlines, § 17:100

Periodic searches of the National Lawyer Regulatory Data Bank, § 17:99

Proving the other jurisdiction8217s discipline, § 17:101

Self-reporting requirement, § 17:98

Responding to the complaint

Contents of the response, § 17:29

Contents of the response, Exhibits, § 17:35

Contents of the response, Impeach complainant, § 17:33

Contents of the response, Prayer for relief, § 17:34

Contents of the response, Specific responses, § 17:32

Duty to respond and extensions, § 17:28

Factual overview, § 17:31

Filing the response; replies and surreplies, § 17:36

Introducing the respondent, § 17:30

Overview, § 17:27

Sanctions, § 17:60 et seq.

Aggravating and mitigating circumstances, § 17:64

Availability of private reprimand, § 17:65

Client security fund, § 17:61

Considerations for sanctions, Overview, § 17:62

Generally appropriate, § 17:63

Review, § 17:66

Summary disposition, § 17:42

TEXAS RULES OF DISCIPLINARY PROCEDURE—Cont'd Disciplinary procedure for grievances alleging, § 17:16 et seq.—Cont'd Trial in district court, Notice to administrative judge, § 17:52 et seq. Assignment of district court judge, § 17:54 Discovery, § 17:57 Docketing and service of the disciplinary petition, answer, § 17:55 Right to jury trial, trial setting, § 17:58 Settlement, § 17:56 Trial procedure, § 17:59 Venue, § 17:53 Who may file, § 17:17 Evidence, § 18:19, 18:30 Failure to respond, § 18:18 Glossary of terms, § 17:7 Terms related to adjudication of disciplinary litigation, § 17:9 Terms related to the initial grievance, § 17:8 GOC Biennial Report, § 16:7 Grievance process, overview of, generally, § 17:1 to 17:125 History of rules of disciplinary procedure, § 16:1 to 16:6 Inferential just cause, § 18:13 Inquiry or complaint, § 18:6 Advertising Review Committee, § 18:9 Commission for Lawyer Discipline, § 18:10 Composition of complaint, § 18:8 Initial classification, § 18:7 Jurisdiction, § 18:19 Just cause, § 18:12 As to what, § 18:14 Burden of proof, § 18:25 Collateral estoppel, § 18:27 Committee quorom, § 18:15 Evidence, § 18:26 Finding, § 18:16 Inferential just cause, § 18:13 Pleading after just cause, § 18:19 to 18:30 Burden of proof, § 18:25 Judge assigned, § 18:24 Jurisdictional argument, § 18:22 Prosecutorial misconduct, limitations, § 18:17 Res judicata, § 18:27 Statute of limitations, § 18:16 Legislative action, § 18:3 Participants in disciplinary process, Directory of individuals and entities, § 17:2 et seq. Parties, § 17:4

Procedural rules, proposed changes, and legislative alterations

Generally, § 18:1 to 18:35 Case law, § 18:5 to 18:35 Legislative action, § 18:3

TEXAS RULES OF DISCIPLINARY PROCEDURE—Cont'd

Procedural rules, proposed changes, and legislative alterations—Cont'd

Procedural guidelines, § 18:4

Referendum '98, § 18:2

Public access, § 18:35

Reciprocal discipline, § 8:15

Referendum '98, § 18:2

Resources regarding disciplinary procedure, § 17:10

Disciplinary system entities and their internal rules, § 17:12

Oversight entities, § 17:13

Resources for understanding the attorney discipline system, § 17:14

Texas ethics statutes, rules, and orders, § 17:11

Understanding the attorney discipline system

Other law review articles CLE papers, § 17:15

Restitution, § 18:31

Rule makers, § 17:3

Sanctions, § 18:19, 18:31, 18:32

Service providers, § 17:6

Sunset review, § 16:2, 16:3, 16:6

Suspension, this index

TOLLING

Statute of limitations in malpractice action, § 4:3, 4:4

TORTIOUS INTERFERENCE

Non-clients only, actions available to, § 3:13

TRIALS

Publicity, § 8:7

UNAUTHORIZED PRACTICE OF LAW

Texas Rules of Disciplinary Procedure, § 10:5

WAIVER

Defense to malpractice action, § 4:12

WITNESSES

Character witness, judge as, § 26:20

Lawyer as witness, § 8:8