

# COMMITTEE ON DISCIPLINARY RULES AND REFERENDA PROPOSED RULE CHANGES

## Rule 2.10. Classification of Grievances

*The Committee on Disciplinary Rules and Referenda, or CDRR, was created by Government Code section 81.0872 and is responsible for overseeing the initial process for proposing a disciplinary rule. Pursuant to Government Code section 81.0876, the committee publishes the following proposed rule. The committee will accept comments concerning the proposed rule through October 31, 2025. Comments can be submitted at [texasbar.com/CDRR](https://texasbar.com/CDRR) or by email to [cdrr@texasbar.com](mailto:cdrr@texasbar.com). The committee will hold a public hearing on the proposed rule by teleconference on November 5, 2025, at 10 a.m. CST. For teleconference participation information, please go to [texasbar.com/cdr/participate](https://texasbar.com/cdr/participate).*

### Proposed Rule (Redline Version)

**Rule 2.10. Classification of Grievances:** The Chief Disciplinary Counsel shall within thirty days examine each Grievance received to determine whether it constitutes an Inquiry, a Complaint, or a Discretionary Referral.

A. If the Grievance is determined to constitute an Inquiry, the Grievance is dismissed and the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal. The Complainant may, within thirty days from notification of the dismissal, perfect an appeal of the determination to the Board of Disciplinary Appeals, by filing with the Board of Disciplinary Appeals the appeal form included in the notification from the Office of Chief Disciplinary Counsel, or may file an Amended Grievance, one time only, by providing new or additional evidence.

1. If the Complainant appeals and the Board of Disciplinary Appeals affirms the classification as an Inquiry, the Grievance is dismissed and the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal. No further amendments or appeals of the Grievance will be accepted. Complainant will be so notified and may within twenty days amend the Grievance one time only by providing new or additional evidence.

2. If the Complainant files an Amended Grievance, and if the Chief Disciplinary Counsel determines that the Amended Grievance constitutes an Inquiry, the Amended Grievance is dismissed and the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal of the Amended Grievance. The Complainant may, within thirty days from notification of the dismissal of the Amended Grievance, appeal the determination to the Board of Disciplinary Appeals. The Complainant may appeal a decision by the Chief Disciplinary Counsel to dismiss the amended Grievance as an Inquiry to the Board of Disciplinary Appeals. No further

amendments or appeals of the Amended Grievance will be accepted.

B. If the Grievance or Amended Grievance is determined to constitute a Complaint, the Respondent shall be provided a copy of the Complaint with notice to respond, in writing, to the allegations of the Complaint. The notice shall advise the Respondent that the Chief Disciplinary Counsel may provide appropriate information, including the Respondent's response, to law enforcement agencies as permitted by Rule 6.08. The Respondent shall deliver the response to both the Office of the Chief Disciplinary Counsel and the Complainant within thirty days after receipt of the notice. The Respondent may, within thirty days after receipt of notice to respond, perfect an appeal to the Board of Disciplinary Appeals the Chief Disciplinary Counsel's determination that the Grievance or Amended Grievance constitutes a Complaint by filing with the Board of Disciplinary Appeals the appeal form included in the notification from the Office of Chief Disciplinary Counsel. If the Respondent perfects an appeal, ~~the pendency of the appeal automatically stays~~ the Respondent's deadline to respond to the Complaint and the deadlines pertaining to the investigation and determination of Just Cause are automatically stayed during the pendency of the appeal. If the Board of Disciplinary Appeals reverses the Chief Disciplinary Counsel's determination, the Grievance or Amended Grievance must be dismissed immediately as an Inquiry. If the Board of Disciplinary Appeals affirms the Chief Disciplinary Counsel's determination, the Respondent must respond to the allegations in the Complaint within thirty days after the Respondent receives notice of the affirmance.

C. If the Grievance is determined to be a Discretionary Referral, the Chief Disciplinary Counsel will notify the Complainant and the Respondent of the referral to the State Bar's Client Attorney Assistance Program (CAAP). No later than sixty days after the Grievance is referred, CAAP will notify the Chief Disciplinary Counsel of the outcome of the referral. The Chief Disciplinary Counsel must, within fifteen days of notification from CAAP, determine

whether the Grievance should be dismissed as an Inquiry or proceed as a Complaint. The Chief Disciplinary Counsel and CAAP may share confidential information for all Grievances classified as Discretionary Referrals, and such information becomes part of the grievance file and is provided to Board of Disciplinary Appeals if there is a classification appeal. Participation in CAAP is voluntary.

#### Proposed Rule (Clean Version)

**Rule 2.10. Classification of Grievances:** The Chief Disciplinary Counsel shall within thirty days examine each Grievance received to determine whether it constitutes an Inquiry, a Complaint, or a Discretionary Referral.

A. If the Grievance is determined to constitute an Inquiry, the Grievance is dismissed and the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal. The Complainant may, within thirty days from notification of the dismissal, perfect an appeal of the determination to the Board of Disciplinary Appeals, by filing with the Board of Disciplinary Appeals the appeal form included in the notification from the Office of Chief Disciplinary Counsel, or may file an Amended Grievance, one time only, by providing new or additional evidence.

1. If the Complainant appeals and the Board of Disciplinary Appeals affirms the classification as an Inquiry, the Grievance is dismissed and the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal. No further amendments or appeals of the Grievance will be accepted.
2. If the Complainant files an Amended Grievance, and if the Chief Disciplinary Counsel determines that the Amended Grievance constitutes an Inquiry, the Amended Grievance is dismissed and the Chief Disciplinary Counsel shall notify the Complainant and Respondent of the dismissal of the Amended Grievance. The Complainant may, within thirty days from notification of the dismissal of the Amended Grievance, appeal the determination to the Board of Disciplinary Appeals. No further amendments or appeals of the Amended Grievance will be accepted.

B. If the Grievance or Amended Grievance is determined to constitute a Complaint, the Respondent shall be provided a copy of the Complaint with notice to respond, in writing, to the allegations of the Complaint. The notice shall advise the Respondent that the Chief Disciplinary Counsel may provide appropriate information, including the Respondent's response, to law enforcement agencies as permitted by Rule 6.08. The Respondent shall deliver

the response to both the Office of the Chief Disciplinary Counsel and the Complainant within thirty days after receipt of the notice. The Respondent may, within thirty days after receipt of notice to respond, perfect an appeal to the Board of Disciplinary Appeals the Chief Disciplinary Counsel's determination that the Grievance or Amended Grievance constitutes a Complaint by filing with the Board of Disciplinary Appeals the appeal form included in the notification from the Office of Chief Disciplinary Counsel. If the Respondent perfects an appeal, the Respondent's deadline to respond to the Complaint and the deadlines pertaining to the investigation and determination of Just Cause are automatically stayed during the pendency of the appeal. If the Board of Disciplinary Appeals reverses the Chief Disciplinary Counsel's determination, the Grievance or Amended Grievance must be dismissed immediately as an Inquiry. If the Board of Disciplinary Appeals affirms the Chief Disciplinary Counsel's determination, the Respondent must respond to the allegations in the Complaint within thirty days after the Respondent receives notice of the affirmance.

C. If the Grievance is determined to be a Discretionary Referral, the Chief Disciplinary Counsel will notify the Complainant and the Respondent of the referral to the State Bar's Client Attorney Assistance Program (CAAP). No later than sixty days after the Grievance is referred, CAAP will notify the Chief Disciplinary Counsel of the outcome of the referral. The Chief Disciplinary Counsel must, within fifteen days of notification from CAAP, determine whether the Grievance should be dismissed as an Inquiry or proceed as a Complaint. The Chief Disciplinary Counsel and CAAP may share confidential information for all Grievances classified as Discretionary Referrals, and such information becomes part of the grievance file and is provided to Board of Disciplinary Appeals if there is a classification appeal. Participation in CAAP is voluntary.