

What most [Texas] attorneys commonly violate, jeopardizing their jobs and their whole careers

-- culled from the Texas Disciplinary Rules of Professional Conduct

-- is.gd/tdrpc10901 = txcourts.gov/media/1452745/tdrpc-effective-september-1-2021.pdf

-- automated bar grievance helper tool at SeekRemedy.com/goodgrief

1. Select a rule that best fits how the lawyer was unethical/unprofessional.
2. Change the rule into a statement that says what the lawyer did wrong.

If it says the lawyer "shall not" do such-and-such, then for a violation, you simply say the lawyer "**did**" do such-and-such.

If it says the lawyer "shall" do such-and-such, then for a violation, you say the lawyer "**failed or refused to**" do such-and-such.

Briefly describe more specific details about the wrongdoing, but omit anything unnecessary; only give facts showing a rule violation; use bullet point statements, simple, short - no legalese or opinions.

3. Gather up some details about the lawyer (and yourself) for the forms.
Go to SeekRemedy.com/goodgrief or look at documents filed by the lawyer or get public data via any normal method, like open records requests.

Attorney's full **name**

Attorney's **bar** card #

Attorney's full **address**

When did the violation occur (specific year, month, day)?

Where did the violation occur (county and city, name of court)?

Your **email** address (consider a unique grievance-specific email)



BG: Bar Grievance Complaint -- to the ODCDC

First, go to texasbar.com "Find A Lawyer" to look up a few details, then come back here...

4. Visit SeekRemedy.com/goodgrief or TexasBar.com for a form to use.
5. Save the filled-out form to PDF and fax or email attachments to the CDC.

Fax: 512-427-4169 ATTN Office of Chief Disciplinary Counsel, SBOT
Email: Seana B. Willing seana.willing@texasbar.com as of Sep 3, 2021

For other states or territories, look for the local "rules of professional conduct".
<https://is.gd/rpccjc> will help you find them, or to just compare states' differences:
https://www.americanbar.org/groups/professional_responsibility/policy/rule_charts/

1.01(a) shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence

1.02(c) shall not assist or counsel a client to engage in conduct that the lawyer knows is criminal or **fraudulent**

1.02(d) shall promptly make reasonable efforts under the circumstances to dissuade the client from committing crime or **fraud** (likely to result in substantial injury of another)

1.02(e) shall make reasonable efforts under the circumstances to persuade the client to take corrective action (when client used lawyer to commit a criminal or **fraudulent** act)

1.04(a) shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee

1.04.cp6 should not handle the matter so as to further the lawyer's financial interests to the detriment of the client

1.04.cp6 should not **abuse** a fee arrangement based primarily on hourly charges by using **wasteful** procedures

1.05(c)(4).cp11 duty under Rule 3.03(a) not to use false or fabricated evidence is a special instance of the duty prescribed in Rule 1.02(c) to avoid assisting a client in criminal or **fraudulent** conduct

1.15(a)(1) shall withdraw from representation of a client if representation will result in violating Rule 3.08, other applicable rules of professional conduct or other law

2.01 [In advising or otherwise representing a client] shall exercise independent professional judgment and render candid advice

2.02 shall not undertake an evaluation of a matter affecting a client for the use of someone other than the client

3.01 shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous

3.02 shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter

3.03(a)(1) shall not knowingly: make a false statement of material fact or law to a tribunal

3.03(a)(2) shall not knowingly: fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or **fraudulent** act;

3.03(a)(4) shall not knowingly: fail to disclose to the tribunal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client

3.03(a)(5) shall not knowingly: offer or use evidence that the lawyer knows to be **false**.

3.03(b) shall: make a good faith effort to persuade the client to authorize the lawyer to correct or withdraw the **false** material evidence

3.09(a) shall: refrain from prosecuting or threatening to prosecute a charge that the prosecutor knows is not supported by probable cause

3.09(c) shall: not initiate or encourage efforts to obtain from an unrepresented accused a waiver of important pretrial, trial or post-trial rights

3.09(d) shall: make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense

3.09(d) shall: in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor

4.01(a) shall not knowingly: make a false statement of material fact or law

4.01(b) shall not knowingly: fail to disclose a material fact to a third person when disclosure is necessary to avoid making the lawyer a party to a criminal act or knowingly assisting a **fraudulent** act perpetrated by a client

4.04(a) shall not: use means that have no substantial purpose other than to embarrass, delay, or burden a third person

4.04(a) shall not: use methods of obtaining evidence that violate the legal rights of such a person

4.04(b)(1) shall not present, participate in presenting, or threaten to present: criminal or disciplinary charges solely to gain an advantage in a civil matter

4.04(b)(2) shall not present, participate in presenting, or threaten to present: civil, criminal or disciplinary charges against a complainant, a witness, or a potential witness in a bar disciplinary proceeding solely to prevent participation by the complainant, witness or potential witness therein

5.01(a) shall be subject to discipline because of another lawyer's violation of these rules of professional conduct if: The lawyer is a partner or supervising lawyer and orders, encourages, or knowingly permits the conduct involved

5.01(b) shall be subject to discipline because of another lawyer's violation of these rules of professional conduct if: The lawyer is a partner in the law firm in which the other lawyer practices, is the general counsel of a government agency's legal department in which the other lawyer is employed, or has direct supervisory authority over the other lawyer, and with knowledge of the other lawyer's violation of these rules knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the other lawyer's violation

8.03(a) shall: inform the appropriate disciplinary authority [of another lawyer's misconduct]

8.03(b) shall: inform the appropriate disciplinary authority [of a judge's misconduct]

8.04(a)(1) shall not: violate these rules, knowingly assist or induce another to do so, or do so through the acts of another

8.04(a)(2) shall not: commit a serious crime or commit any other criminal act that reflects adversely on the lawyers honesty, trustworthiness or fitness as a lawyer in other respects

see (b): serious crime means barratry; any felony involving moral turpitude; any misdemeanor involving theft, embezzlement, or **fraudulent** or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes

8.04(a)(3) shall not: engage in conduct involving dishonesty, **fraud**, deceit or misrepresentation

8.04(a)(4) shall not: engage in conduct constituting obstruction of justice

8.04(a)(6) shall not: knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law

8.04(a)(9) shall not: engage in conduct that constitutes barratry as defined by the law of this state

8.04(a)(12) shall not: violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law

Note that these Texas rules, as for most states, were adopted from the "model rules" seen at americanbar.org (& in states' bar exams); and yet to file a grievance/complaint, we must always allege violations of only the local/state rules, not the ABA model rules.

Also note that most states have continuing education requirements, so you may get interesting replies from governmental bodies when you make records requests to see their attorneys' training. Elected and appointed officials have training mandates, too.

(fraud, waste and abuse go directly to insurance risk/liability)

For example, in Texas:

If the party opposing you is a fraudster, then the attorney shouldn't even take them on as a client in the first place; otherwise, the attorney has violated Rule 1.02(c), just by the very fact that the attorney decided to represent the fraudster.

Unless the attorney was so incompetent as to not recognize the fraud; that's Rule 1.01.

And the attorney is also required to try and convince that client not to commit fraud; otherwise, he/she violated Rule 1.02(d), just for not trying to talk sense into the client.

And that attorney is also required to take some corrective action if that client commits fraud; otherwise, the attorney has violated Rule 1.02(e), just for not scrambling after the fact, to fix the harm caused by the client's fraud.

And that attorney is also required to withdraw representation in order to avoid also becoming part of the client's potential fraud; otherwise, the attorney is in violation of Rule 1.15(a)(1), just by continuing on with that client, and not dropping them.

And if that attorney goes ahead and acts fraudulently, the attorney has violated a long laundry list of rules. (*See fraud highlighted throughout these commonly-violated rules.*)

If an attorney lies to a judge or misleads the court in some material way, or attempts to make unsworn statements of fact (enter his unqualified commentary and inadmissible evidence into the record, as if the attorney could possibly be competent to testify, i.e., have firsthand personal knowledge of anything), or cites law as if it says one thing but it actually says something else, the attorney has violated Rules 3.03(a)(1) and 4.01(a).

If you write to a governmental body, requesting some public records, and suddenly an attorney butts in to tell you what records you may not access, that's "barratry"; in this case, not only has the attorney earned a sworn criminal complaint (the act of barratry is a felony in Texas!), but also the attorney violated Rules 8.04(a)(2) and (a)(9)... not to mention that their obstruction of justice involved another violation, of Rule 8.04(a)(4).

If an attorney acts unethically, and another attorney knows about it but fails to report that behavior, that other attorney has violated Rule 8.03(a)... unless this other attorney suspect that the unethical behavior was because that first attorney has a drug problem, then the first attorney can be sent off to a rehab program instead of being reported to the bar disciplinary counsel.

Same for a judge who acts unethically: if an attorney knows about it but fails to report that behavior, the attorney has violated Rule 8.03(b). Judges must adhere to the Texas Code of Judicial Conduct... so the inference here is that an attorney must be competent and conversant in all of the canons laid out for judges to follow.

So attorney **A** violates a rule. Day 1, you bar grieve **A** for that violation of that rule.

Then you reach out to his buddy, attorney **B**, just so he or she is aware of what **A** did.

Then you hit up his supervisor, **C**, and all the partners of that law firm where **A** works. Each supervisor and partner has a duty under 5.01(a) to train the underling better, and not facilitate the underling running around acting lawless... plus a duty under 5.01(b) to take reasonable action to remediate... plus a duty under 8.04(a)(1) to **not** vicariously commit unethical acts... plus a duty under 8.03(a) to bar grieve **A** (or send to rehab).

After that, you could turn your attention to attorney **B**... and all the partners, again.

Make a nice long list or chart of attorneys' conduct, showing all of the dates when each actually violated each rule. (If he "accidentally" sees this list, he may evaporate. *POOF!*)