

JUN - 8 2004

DAVID J. MALAND, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

*David J. Maland*

- General Order 04-11

**GENERAL ORDER AMENDING LOCAL RULE AT-2(d)**

It is hereby ORDERED that the following amendment to Local Rule AT-2(d), having been approved by the judges of this court, is adopted for immediate implementation.<sup>1</sup> These amendments shall be posted forthwith on the court's Internet website, found at [www.txed.uscourts.gov](http://www.txed.uscourts.gov).

**(d) Disciplinary Action Initiated in This Court.**

(1) **Grounds for Disciplinary Action.** This court may, after ~~the member~~ an attorney has been given an opportunity to show cause to the contrary, take any appropriate disciplinary action against any ~~member of its bar~~ attorney:

- (A) for conduct unbecoming a member of the bar;
- (B) for failure to comply with these local rules or any other rule or order of this court;
- (C) for unethical behavior;
- (D) for inability to conduct litigation properly; or
- (E) because of conviction by any court of a misdemeanor offense involving dishonesty or false statement.

**(2) Disciplinary Procedures.**

- (A) When it is shown to a judge of this court that ~~a member of this bar~~ an attorney has engaged in conduct which might warrant disciplinary action, the judge receiving the information shall bring the matter to the attention of the full court as to whether disciplinary proceedings should be held. If the court determines that further disciplinary proceedings are necessary, the court will notify the lawyer of the charges and give the lawyer opportunity to show good cause why he or she should not be suspended or disbarred. Upon the charged lawyer's response to the order to show cause, and after

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<sup>1</sup>New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

a hearing if requested or upon expiration of the time prescribed for a response if no response is made, the court shall enter an appropriate order

- (B) At any hearing, the charged lawyer shall have the right to counsel and at least fourteen days' notice of the time and charges. Prosecution of the charges may be conducted by an attorney specially appointed by the court. Costs of the prosecutor and any fees allowed by the court shall be paid from the attorney admission fee fund.

*Comment.* This amendment allows the court to initiate disciplinary proceedings against any attorney whose actions may qualify as grounds for disciplinary action.

Signed this 8<sup>th</sup> day of June, 2004.

**FOR THE COURT:**

  
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THAD HEARTFIELD, CHIEF JUDGE