

ENTERED

August 15, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT S BENNETT, *et al.*,

Plaintiffs,

VS.

STATE BAR OF TEXAS,

Defendant.

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CIVIL ACTION NO. 4:21-CV-02829

ORDER

Before the Court are Plaintiffs’ Motion for the Defendant to Show Authority to be Represented by Its Present Legal Counsel (the “Motion”), Defendant’s Response (Doc. #17), and Plaintiffs’ Reply (Doc. #24).¹ Having reviewed the parties’ arguments and applicable law, the Court denies the Motion.

Plaintiffs, three active members of the Defendant State Bar of Texas (“Defendant”), challenge Defendant’s authority to be represented by its current legal counsel and request that Defendant “satisfactorily establish” its legal counsel’s representative authority.² Doc. #14 ¶ 14. Specifically, Plaintiffs argue that Defendant failed to comply with Texas Government Code § 2155.132(e), which states that “[c]ompetitive bidding, whether formal or informal, is required for a purchase by a state agency if the purchase: (1) exceeds \$10,000; and (2) is made under a

¹ Plaintiffs also filed an Unopposed Motion for Extension of Time Replying to Defendants’ Response to Plaintiffs’ Show Authority Motion (Doc. #22), which the Court hereby GRANTS.


² Though Plaintiffs refer to a plural number of “Defendants,” the only defendant identified in Plaintiffs’ Complaint and the only defendant who has appeared in this case is Defendant State Bar of Texas. Doc. #2 ¶ 13. The record reflects that no other defendants have been served in this case. As such, the Court will only consider claims against the only defendant properly before it: Defendant State Bar of Texas.

written contract.” Tex. Gov’t Code § 2155.132(e); Doc. #14 ¶ 5.² However, Section 2155.132 falls under Texas Government Code Subtitle D State Purchasing and General Services, which explicitly “does not apply to: (1) obtaining outside legal counsel services.” Tex. Gov’t Code § 2151.005. As such, Defendant’s representation by outside legal counsel from the law firm of Vinson & Elkins LLP is not subject to Section 2155.132’s competitive bidding requirements. The Court finds Plaintiffs’ remaining arguments regarding the since-denied petition for certiorari unpersuasive and unrelated to the issue of Defendant’s representation. *See* Doc. #14 ¶¶ 9–12.

Accordingly, the Motion is hereby DENIED.

It is so ORDERED.

AUG 15 2022
Date



The Honorable Alfred H. Bennett
United States District Judge

² The Motion refers to Texas Government Code § 2155.132(a), which makes no mention of competitive bidding. Because Plaintiffs’ argument is that “the Texas Government Code requires under most, if not all, seemingly applicable circumstances that competitive bidding take place between aspiring legal counsel which seek to represent a governmental entity whereby certain amounts of compensation are involved,” the Court assumes Plaintiffs intended to invoke subsection 2155.132(e). *See* Doc. #14 ¶ 5; Tex. Gov’t Code § 2155.132(a).