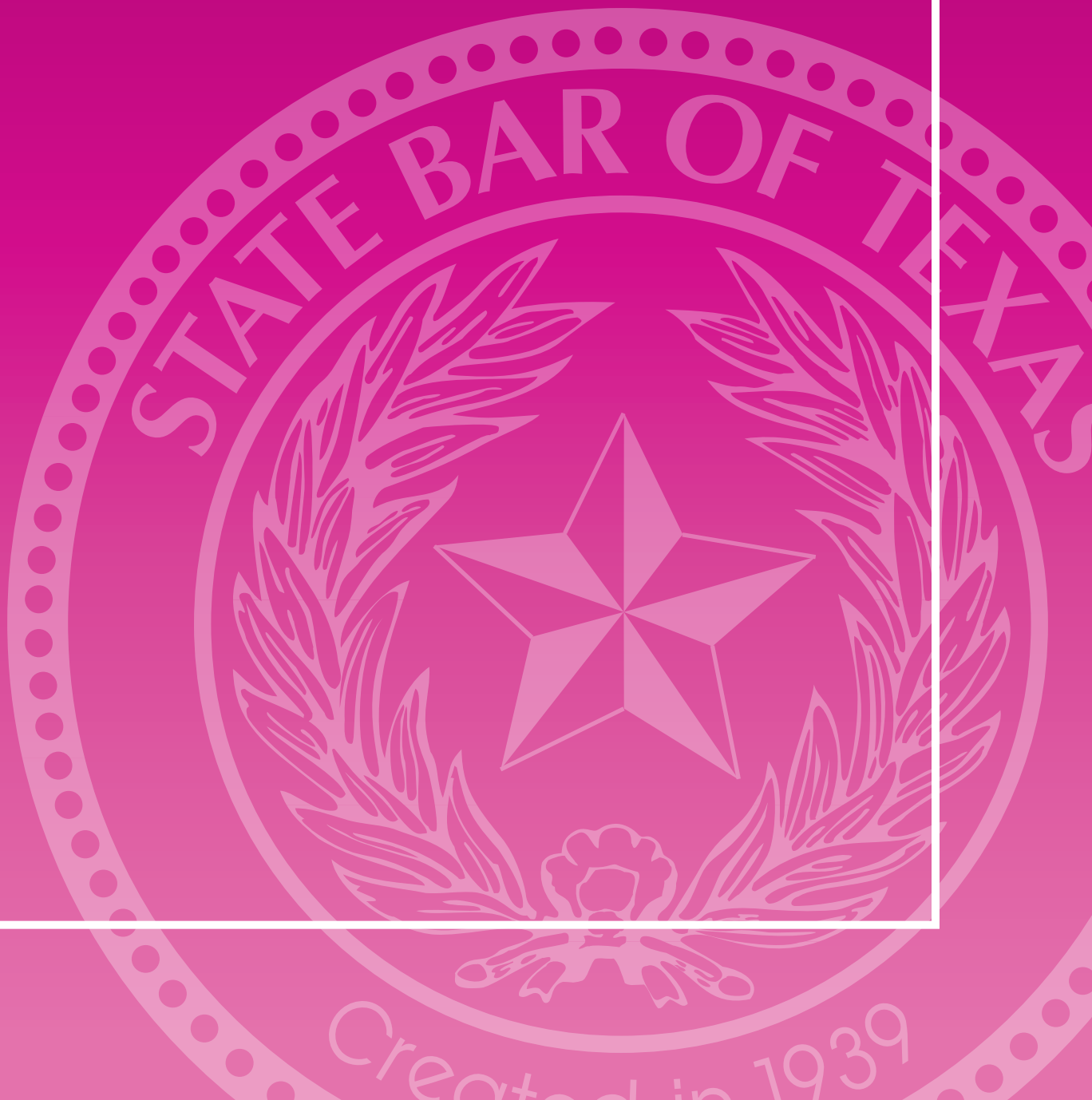


STATE BAR *of* TEXAS

# ANNUAL REPORT 2021-2022



Overcoming a threat to Texas lawyers' self-governance. Overhauling the advertising review process. Expanding one of our top member benefits.

These are just a few of the State Bar's achievements during the 2021-2022 bar year. Each June, we start fresh with a new year, a new budget, and new leadership, and I am excited for what 2022-2023 has in store. First, though, I want to highlight some of the ways your State Bar worked to better serve Texas lawyers and all Texans over the past 12 months.



### **PRESERVING SELF-GOVERNANCE**

Most importantly, we withstood a legal challenge to lawyers' self-governance and emerged with the State Bar's fundamental structure and purposes intact. The resolution of the *McDonald v. Firth* litigation ensures Texas lawyers will continue to practice in a self-regulated profession with an independent grievance system—a privilege that no other profession in Texas enjoys. And in another positive result from the litigation, the State Bar debuted a more transparent budgeting and expenditure-objection process that offers members more information than ever before on how their dues are spent.

### **NEW MEMBER BENEFITS AND SERVICES**

New member services introduced in 2021-2022 include the Advertising Review Portal and the Identity Fraud Flag Program. The Advertising Review Portal, accessible through your My Bar Page at [texasbar.com](https://texasbar.com), makes it faster and more convenient to submit advertisements for State Bar approval. The Identity Fraud Flag Program ([texasbar.com/fraudflag](https://texasbar.com/fraudflag)) gives lawyers a way to voluntarily report to the bar that they have been the victim of identity fraud, which helps protect the lawyer and the public from scammers.

### **EXPANDED MEMBER BENEFITS**

The State Bar expanded its Fastcase online legal research benefit, providing Texas lawyers with free access to millions of briefs, pleadings, motions, and orders through Docket Alarm within the Fastcase platform. Fastcase is among the ever-growing list of member benefit providers that offer discounted products and services to help Texas lawyers with the everyday practice of law. You can view them all at [texasbar.com/benefits](https://texasbar.com/benefits).

I look forward to reporting more progress from your State Bar in the coming year.

Sincerely,

A handwritten signature in black ink that reads "Trey Apffel". The signature is stylized and fluid.

Trey Apffel  
Executive Director, State Bar of Texas

# 2021-2022 ACHIEVEMENTS

Under the leadership of 2021-2022 State Bar President Sylvia Borunda Firth, the bar made progress on issues including defending lawyers' self-governance in the *McDonald v. Firth* litigation, reviewing the attorney grievance system to ensure it continues to be fair to all parties, and improving and expanding services to Texas lawyers and the public. The bar also introduced more transparent budgeting and expenditure-objection processes that provided more information than ever about State Bar finances.



Borunda Firth encouraged the bar to continue its longstanding commitment to diversity, equity, and inclusion, or DEI, in the legal profession. Rules were changed so DEI courses and attorney wellness presentations now qualify as ethics hours for CLE credit. The State Bar board created a new standing committee on DEI and approved proposed changes to the Texas Lawyer's Creed that would align the creed with the State Bar mission statement. The proposed changes have been submitted to the Texas Supreme Court and Court of Criminal Appeals for possible adoption. View them at [texasbar.com/creed](https://texasbar.com/creed).

The bar continued to respond to member feedback resulting from the COVID-19 pandemic. In January 2021, the State Bar board approved a resolution supporting efforts of the Texas Supreme Court and its Remote Proceedings Task Force to remove impediments to remote court proceedings, including the adoption and implementation of rule amendments. While acknowledging the importance of in-person proceedings, the resolution seeks to "preserve the option of remote proceedings where appropriate."

The board's Discipline & Client-Attorney Assistance Program Committee conducted a review of the report of the Task Force on Public Protection, Grievance Review, and the Client Security Fund. The Redistricting Task Force recommended no changes to the bar districts this year. Finally, the Building Planning Special Committee continues to study possible uses for the bar's property at 1415 Lavaca St. in Austin.



STATE BAR of TEXAS ★ 2021-2022 BOARD OF DIRECTORS

## CONNECT WITH US ON SOCIAL MEDIA

 [FACEBOOK.COM/STATEBAROFTEXAS](https://FACEBOOK.COM/STATEBAROFTEXAS)

 [@STATEBAROFTEXAS](https://@STATEBAROFTEXAS)

 [LINKEDIN.COM/COMPANY/STATE-BAR-OF-TEXAS](https://LINKEDIN.COM/COMPANY/STATE-BAR-OF-TEXAS)

 [@STATEBAROFTEXAS](https://@STATEBAROFTEXAS)

 [YOUTUBE.COM/STATEBAROFTEXAS](https://YOUTUBE.COM/STATEBAROFTEXAS)

 [PINTEREST.COM/STATEBAROFTEXAS](https://PINTEREST.COM/STATEBAROFTEXAS)

# WHAT WE DO

## SELF-GOVERNANCE

Texas lawyers practice law in a self-regulated profession with an independent grievance system. Since the inception of the State Bar of Texas, Texas lawyers have retained the right to approve proposed disciplinary rule changes in referenda elections and vote on members of the board of directors, which governs all manner of bar administration, programs, policies, and budget management. Learn more at [texasbar.com/board](https://texasbar.com/board).

## PROTECTING THE PUBLIC

The State Bar of Texas furthers the state's interests in regulating the legal profession and improving the quality of legal services. The Texas attorney discipline system is administered by the Office of Chief Disciplinary Counsel, or CDC, whose work is overseen by the Commission for Lawyer Discipline. CDC represents the commission in disciplinary litigation. In the 2021-2022 bar year, the disciplinary system issued 400 sanctions, resolving 559 complaints. The Client-Attorney Assistance Program answers the Grievance Information Helpline to assist clients in communicating with their Texas attorneys and to provide information about the grievance process and other programs and services of the State Bar of Texas. Also, the Client Security Fund assists clients whose lawyers improperly take funds belonging to the clients. Clients can apply to the fund after disciplinary proceedings are completed. Payouts are funded through an annual appropriation from the bar, interest on the corpus, and any restitution received. In the 2021-2022 bar year, 122 applications were considered, resulting in grants totaling \$147,385.14.

## LAW PRACTICE MANAGEMENT

The State Bar of Texas offers tools to help attorneys grow their practices. One is the Lawyer Referral and Information Service, which connects clients in need of legal representation with attorneys who can help. LRIS makes referrals in the 247 Texas counties that do not have local referral programs.

The bar also offers the Texas Bar Career Center, an online portal for both employers and job seekers. Visit the Career Center to post open positions or search for legal-related jobs.

The State Bar's Law Practice Resources Division created [texasbarpractice.com](https://texasbarpractice.com) to provide law practice management

tools in addition to housing Texas Bar Books and Texas Bar Books Online resources.

For client protection and emergency management, the State Bar maintains a portal through which lawyers can designate in advance a custodian attorney in the event the need arises. To learn more, go to [texasbar.com/succession](https://texasbar.com/succession).

## COMMUNICATIONS

Each month, except a combined issue of July/August, members receive the *Texas Bar Journal*, which includes information and in-depth stories on current legal topics, disciplinary actions, technology, and more. It can also be viewed online at [texasbar.com/tbj](https://texasbar.com/tbj) or via the digital edition at [texasbar.com/digitaltbj](https://texasbar.com/digitaltbj). Members and the public can follow the bar on social media for timely announcements on lawyers in the news, reminders about their membership, links to special articles, informational videos, and information about events. The *State Bar of Texas Podcast* showcases interviews with experts on the latest legal trends and hot topics.

## CONTINUING LEGAL EDUCATION

TexasBarCLE is one of the top providers of continuing legal education in the country and often sets the national standard for CLE content and delivery. During the 2021-2022 bar year, TexasBarCLE offered 139 webcasts, 866 online classes, 91 live courses, and 104 video replays. Most programs are recorded and archived for online viewing, with 2,700 hours available as online classes. Also, more than 29,600 CLE articles are featured in the online library, including 2,440 ethics-related articles.

## EDUCATING THE PUBLIC

The State Bar, the Texas Young Lawyers Association, and the bar's Law-Related Education Department publish, in print and online, dozens of handbooks and pamphlets in both English and Spanish to educate the public on a variety of legal topics (see [texasbar.com/resources](https://texasbar.com/resources), [tyla.org/resources](https://tyla.org/resources), and [texaslr.org](https://texaslr.org)).

Law-Related Education holds teacher workshops and publishes educational materials about the law and civics for teachers and students. To learn more, go to [texaslr.org](https://texaslr.org).

## EDUCATING YOUNG LAWYERS

In addition to providing continuing legal education for all lawyers, the bar plays an important role in educating young lawyers, helping them build a strong foundation for law

# WHAT WE DO

practices. Programs include: After the Bar Exam, which offers links to more than 2,000 hours of CLE online classes and access to other helpful resources for students who have graduated from law school and are awaiting the results of the bar exam, and the Texas Young Lawyers Association's *Ten Minute Mentor*, a collection of 10-minute online videos of lawyers offering practical advice or tips on specific legal topics. The Texas Young Lawyers Association has three different podcasts that help all lawyers on a variety of topics. Also, 39 State Bar sections offer free memberships for lawyers licensed two years or less, and 18 sections offer free memberships to law students. Sections often participate in mentoring programs for law students and sponsor CLE programs at Texas law schools, which students are allowed to attend for free. Finally, the State Bar of Texas Law Student Division provides an avenue for law students to connect to the bar before graduating—offering educational, networking, and scholarship opportunities.

## ETHICS HELPLINE

The Ethics Helpline at 800-532-3947 is a free benefit to attorney-members of the State Bar of Texas. Ethics attorneys provide nonbinding, nonconfidential guidance to Texas-licensed attorneys. Guidance is limited to questions involving the Texas Disciplinary Rules of Professional Conduct, Texas Rules of Disciplinary Procedure, and ethics opinions. Some caselaw and additional resources are also provided. In the 2021-2022 bar year, the Ethics Helpline returned approximately 5,000 calls.

## LEGAL SERVICES FOR ALL TEXANS

The State Bar of Texas is committed to ensuring that all Texans have access to justice regardless of income. The State Bar's Legal Access Division works to achieve this goal by providing resources such as malpractice insurance, Westlaw, CLE, and language access services to legal aid organizations and pro bono attorneys; striving to remove barriers to pro bono service; and partnering with legal aid organizations on disaster preparedness and response efforts. The Legal Access Division also assists the public by providing information and referrals to low-income Texans. For more information, go to [texasbar.com/probono](https://texasbar.com/probono) and [probonotexas.org](https://probonotexas.org).

## LOCAL BAR SERVICES

The Local Bar Services Department fosters and maintains relationships between the State Bar and local bar associations. Each year, the Local Bar Leaders Conference

offers education and networking for local bar executives, young lawyer affiliates, and other volunteer leaders. Outreach to local bars helps to fulfill one of the purposes outlined in the State Bar Act.

## MEMBER BENEFITS

The State Bar of Texas Member Benefits Program offers numerous resources to help attorneys with the everyday practice of law. In the 2021-2022 bar year, 61 benefits were offered through the program. Goods and services offered to assist lawyers include financial services, travel discounts, car rentals, office supplies, health insurance through the Texas Bar Private Insurance Exchange, and professional liability insurance through TLIE.

## REGULATION

As part of its duty to regulate the legal profession, the State Bar of Texas works to ensure Texas attorneys remain in compliance with their membership and minimum continuing legal education requirements. The Minimum Continuing Legal Education Committee administers the MCLE program, formulates rules and regulations, evaluates accreditations of CLE activities, and encourages the development of high-quality programs. Also, the Advertising Review Department is responsible for reviewing attorney and law firm advertisements and solicitation communications as required by Part VII of the Texas Disciplinary Rules of Professional Conduct.

## TEXAS LAWYERS' ASSISTANCE PROGRAM

The Texas Lawyers' Assistance Program, or TLAP, helps lawyers, judges, and law students who are struggling with mental health or substance use concerns, chronic stress, or cognitive decline. In the 2021-2022 bar year, TLAP handled 917 consultations and offered numerous educational programs and resources, including a free CLE on depression and suicide prevention and an online Support Toolbox for lawyers, judges, and law students dealing with isolation and needing mental health or recovery support during COVID-19. All communication with TLAP is confidential by statute. For more information, go to [tlaphelps.org](https://tlaphelps.org).

## TEXAS LAWYERS FOR TEXAS VETERANS

Texas Lawyers for Texas Veterans, or TLTV, is a collaborative effort with not only local bar associations, but also with legal aid organizations and veterans service providers to host legal advice clinics throughout the state.

# BY THE NUMBERS

The State Bar of Texas adopts a strategic plan every two years that includes goals and performance measures. The State Bar has identified six broad categories guiding these measures: 1) Service to the Public; 2) Service to Members; 3) Protection of the Public; 4) Access to Justice; 5) Sound Administration and Resources; and 6) Financial Management. The following are highlights of the results and outcomes for the 2021-2022 bar year. For a full list of results, go to [texasbar.com/performance/numbers](https://texasbar.com/performance/numbers).

## SERVICE TO THE PUBLIC

Number of people who received a referral through the Lawyer Referral and Information Service:

**58,219**  
CALLS ANSWERED

**64,679**  
REFERRALS MADE

Visits to pages on State Bar-related websites containing legal information on issues of importance to the public:

**20,647,744**  
TOTAL HITS  
TEXASBAR.COM

**4,457**  
PAGE HITS  
TEXASBAR.COM/DISASTER

**25,393**  
PAGE HITS  
TEXASBAR.COM/RESOURCES

## SERVICE TO MEMBERS

TexasBarCLE

**179,745**  
registrations obtained through **1,200**  
continuing legal education offerings



TEXAS LAWYERS'  
ASSISTANCE PROGRAM  
*Confidential. Respectful. Voluntary.*

**917**  
CONSULTATIONS

**67%** were related to mental health, **28%** to substance use, and **5%** to cognitive issues. TLAP's website—[tlaphelps.org](https://tlaphelps.org)—garnered **13,425** users and **21,124** page views. TLAP made **142** educational outreach presentations, including at law schools.

## PROTECTION OF THE PUBLIC

**=CAAP=**  
CLIENT-ATTORNEY  
ASSISTANCE PROGRAM

**24,531**  
contacts received via mail, email, and phone to CAAP program. Communications between attorney and client successfully reestablished in **88.3%** of cases.

## ATTORNEY DISCIPLINE (CDC)

Total complaints resolved	559
Total sanctions	400
Disbarments	21
Resignations	27
Suspensions	120
Public reprimands	39
Private reprimands	94
Grievance Referral Program	99

## ACCESS TO JUSTICE



**\$1,537,570.52**

The amount of voluntary ATJ contributions through dues statements from **11,061** attorneys

# MANDATORY BAR LITIGATION: DEFENDING TEXAS LAWYERS' SELF-GOVERNANCE

On April 4, 2022, the U.S. Supreme Court denied certiorari in the *McDonald v. Firth* litigation, effectively ending a challenge to the mandatory bar and lawyers' self-governance in Texas. The State Bar of Texas is pleased the court continues to recognize the longstanding precedent that supports the mandatory bar structure.

Thirty other states and the District of Columbia use a mandatory bar structure because it is a proven, effective way to regulate the legal profession and improve the quality of legal services provided to the public. The State Bar of Texas will continue to serve Texas lawyers and protect the public in fulfillment of its statutory and constitutional obligations.

Plaintiffs in *McDonald v. Firth* had petitioned the court to take the case after a panel of the U.S. Court of Appeals for the 5th Circuit upheld the constitutionality of most challenged State Bar of Texas activities and left intact the structure of Texas' mandatory, integrated bar. In September 2021, the State Bar Board of Directors approved changes to bar rules and policies to comply with the 5th Circuit opinion. The changes included updates to the bar's budgeting, legislative, and expenditure-objection processes. In October 2021, the Texas Supreme Court issued an order amending the State Bar Rules accordingly.

The case was one of many federal lawsuits filed across the country in recent years against mandatory bars. Read filings from these cases at [texasbar.com/mcdonaldvfirth](https://texasbar.com/mcdonaldvfirth).

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## STATE BAR OF TEXAS MISSION STATEMENT

*The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.*

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2021 - 2022

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