

# FRESH PERSPECTIVE

On April 19, 1939, Texas Gov. Wilbert Lee “Pappy” O’Daniel signed into law the State Bar Act, which created a unified State Bar, governed its operations and responsibilities, and mandated that all attorneys licensed to practice law in Texas be members. For years, visionary leaders worked arduously to formulate H.B. 74, which was introduced in the House of Representatives by Jeff D. Stinson during the 46th legislative session. Stinson subsequently was issued the first bar card of the unified State Bar of Texas.

It was a time of new beginnings and viewpoints, and many articles about integration and unification appeared in the May 1939 issue of the *Texas Bar Journal*, including the following passage from the State Bar Act. As we celebrate the people, places, and things that have shaped the State Bar of Texas and the law over the past 75 years, we take a moment to remember our purpose.

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens have 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.

## The State Bar Act of 1939

*Section 1.* This Act may be cited as the State Bar Act.

*Section 2.* There is hereby created the State Bar, which is hereby constituted an administrative agency of the Judicial Department of the State, with power to contract with relation to its own affairs and which may sue and be sued and have such other powers as are reasonably necessary to carry out the purposes of this Act.

*Section 3.* All persons who are now or who shall hereafter be licensed to practice law in this State shall constitute and be the members of the State Bar, and shall be subject to the provisions hereof and the rules adopted by the Supreme Court of Texas; and all persons not members of the State Bar are hereby prohibited from practicing law in this State.

*Section 4.* Within six months from the effective date of this Act, and from time to time thereafter, as to the Court may seem proper, the Supreme Court of Texas shall prepare and propose rules and regulations for disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; and prescribing a code of ethics governing the professional conduct of attorneys at law. When the Court has prepared and proposed such rules and regulations, it shall submit by mail a copy of each such rule and regulation, as well as all such other rules and regulations as may have been proposed and filed with the Court, supported by petition signed by at least 10 percent of the registered members of the State Bar, in ballot form to each registered member of the State Bar for a vote thereon. At the end of thirty days from the time such ballots are mailed, the Court shall count the ballots that have been returned, provided that no election shall be valid unless a minimum of 51 percent of the members registered shall have voted at the election at which such rule or rules are adopted; and each and all of such rules and regulations that have received a majority of the votes cast shall be by said Court declared and adopted and shall be promulgated by said Court and shall become immediately effective. Such vote shall be open to inspection by any member of the Bar. No rule or regulation shall be promulgated that has not received a majority of votes cast in the manner above provided. Nothing herein shall be construed as authorizing the Court to prescribe fees to be charged for legal services rendered by any attorney.

The Supreme Court is further empowered and it shall be its duty to prescribe fees not exceeding \$4 per annum per person to be paid to the clerk of the Supreme Court to be held by him and expended by the Court or under its direction for the purpose of the administration of this Act. Any person licensed and registered may pay to the designated treasurer a sum of money from which the fees owed by such person may be taken from time to time as they become due.

*Section 5.* The Supreme Court of Texas shall not adopt or promulgate any rule or regulation abrogating the right of trial by jury in disbarment proceedings, in the county of the residence of the defendant.

*Section 6.* No disbarment proceeding shall be instituted against any attorney except in the district court located in the county of said attorney's residence, nor shall any attorney be suspended until such attorney has been convicted of the charge pending against him, in a court of competent jurisdiction in the county of such attorney's residence.

*Section 7.* If any sentence, paragraph, or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other sentence, paragraph, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining sentences, paragraphs, and sections despite such invalidity.

*Section 8.* All laws or parts of laws in conflict with this Act or with the rules and regulations adopted under this Act by the Supreme Court are hereby repealed. **TBJ**

