



# PROPOSED ANNUAL MEETING RESOLUTION

The following resolution has been submitted to be considered by the State Bar Resolutions Committee at the State Bar of Texas Annual Meeting on June 13-14 in Austin. Any resolutions adopted by the committee will be considered by attendees of the General Session. If adopted by that body, the resolution expresses the majority opinion of those attending the General Session, not the majority opinion of the State Bar membership.

## A DRAFT RESOLUTION

Presented to the Executive Director Clarifying the Position of the State Bar of Texas Regarding Attorney Advertising and Recommending Corrective Action.

**WHEREAS**, it is the opinion of the Supreme Court of the United States that the State Bar of Texas may not prohibit members from publicly advertising their professional services; and

**WHEREAS**, the lifting of the ban on attorney advertising has resulted in a “race to the bottom” in terms of style, format, and content of such advertising; and

**WHEREAS**, attorney advertising has devolved from the informational towards an attention grabbing ethos based on persuasion techniques and standards not applicable to professional services; and

**WHEREAS**, the public image of the legal profession in general and members of the State Bar of Texas in particular is shaped in large part by advertisements in print, on billboards, radio, television and the internet; and

**WHEREAS**, only a tiny fraction of the more than 100,000 Texas attorneys engage in such advertisement, yet all are subject to the perceptions generated by those few attorneys; and

**WHEREAS**, attorney advertising is legally permissible suggests to the public that the State Bar and its members approve of and endorse of such advertising; and

**WHEREAS**, to protect the integrity of the State Bar and all its members it is necessary to remind and inform the public that because certain conduct is legally permissible it does not therefore imply that such conduct is approved or unobjectionable on ethical grounds; and

**WHEREAS**, members of the State Bar are publicly committed to asserting their professional integrity by denouncing both attorney advertising as well as those individuals and firms who engage in public advertising; and

**WHEREAS**, technology exists for the State Bar and local bar associations to establish websites that can display factual, peer reviewed advertisements for attorneys wishing to advertise their demonstrated professional credentials;

## NOW THEREFORE, BE IT RESOLVED BY THE STATE BAR OF TEXAS:

**SECTION 1:** The State Bar of Texas shall develop and publicize through public outreach a website where Texans in need of legal services can find suitable legal representation. The State Bar website shall be linked to local bar associations and shall be based on objective criteria, including but not limited to peer review.

**SECTION 2:** The State Bar of Texas shall maintain a list of attorneys and firms that choose to advertise in any format other than the one outlined in Section 1 above and shall maintain a telephone “hot line” to solicit and make publicly available data on such firms. The State Bar shall periodically inform the public via media and community outreach that the State Bar as a whole objects to such attorneys and firms and strongly urges that the public boycott them.

**SECTION 3:** The State Bar shall pay particular attention to tracking and publishing political donations to candidates or committees by attorneys or firms that choose to advertise in any format other than the one outlined in Section 1 above and shall urge the public to refrain from voting for candidates supported by such attorneys or firms.

**SECTION 4:** The recitations and provisions set out in the preamble of this resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

**SECTION 5:** This resolution has not been presented to or approved by any local bar association or by any section or committee of the State Bar. There are no prior submissions of any substantially similar resolution by the annual meeting resolutions committee, the general assembly, and the Board.

**SECTION 6:** This resolution becomes effective immediately however it will not be enforced until January 31, 2020, to allow attorneys and firms that support this resolution sufficient time to phase out any and all advertising.

IN WITNESS WHEREOF, the undersigned member of the State Bar of Texas has caused this resolution to be submitted for consideration and adoption by the annual meeting resolutions committee, the general assembly, and the full Board of the State Bar of Texas. **TBJ**

Submitted by James Lee Murphy, Attorney at Law