

PROTECTING THE RIGHT OF SELF-GOVERNANCE



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“LICENSED CROOKS?” REALLY?

Had the legal profession’s reputation really sunk that low back in 1926? It appears so, according to a report that year from the Texas Bar Association Committee on Grievances and Discipline.

“[Unauthorized practitioners] are bringing the legal profession as a whole into disrepute and to an extent that the lawyers are losing the once-proud place they occupied in the minds and hearts of their fellow citizens,” the report stated. “They are now regarded by many splendid laymen as licensed crooks. . . . Indeed, we have, in the language of the street, permitted legal hijackers to invade our ranks to an extent that they have become a menace to the proper and effective enforcement of the law.”

Clearly, something needed to change. Luckily for us in the 21st century, it did.

Across the country, forward-thinking leaders organized and pursued the unified bar movement to ensure that ethics and professionalism remained bedrocks of the legal profession. In our state, the result was the State Bar Act of 1939, which created the State Bar of Texas to “aid the courts in carrying on and improving the administration of justice” and to “foster and maintain, on the part of those engaged in the practice of law, high ideals and integrity,” among other core purposes.

For the past 75 years, the State Bar Act has enabled us as Texas lawyers to regulate our profession—and the practice of law is a profession, not just a job or a business. As members of that profession, we have the right—and the duty—to govern ourselves.

Cynics might say little has changed in the 88 years since the bar association committee penned the alarming assessment quoted above. And, of course, anyone with a Web browser can find current examples of attorneys misbehaving and bringing shame on the profession. But, by and large, our system of self-regulation works well to promote the ethical practice of law in Texas and to protect the public from unlicensed practitioners and attorneys who do not share our high standards of conduct.

In 2013-2014 alone, the Commission for Lawyer Discipline, through the State Bar’s Office of Chief Disciplinary Counsel, resolved 403 complaints and issued 322 disciplinary sanctions, including 21 disbarments, 17 resignations in lieu of discipline, and 131 suspensions. As a former member of both the Commission for Lawyer Discipline and a district grievance committee for many years, I can say with confidence that our disciplinary system is fair and effective. One of the ways we maintain that fairness is through the inclusion of public members. It has been my experience at both the district and commission levels that public members provide keen insight into what we do and lend a level of objectivity that we, as practicing members of the profession, cannot always have.

As your president, I believe it is important that we are able to go to the Supreme Court and the Legislature and show them that the State Bar of Texas is an open book. We encourage participation and comment from all sectors of our profession and the public. We welcome scrutiny. We are proud of the way we protect Texans as well as Texas attorneys, because not all grievances rise to the level of a grievable offense.

More than 380 volunteers serve on our 17 regional grievance committees, and the Commission for Lawyer Discipline is made up of another 12 volunteers. These members—lawyers and non-lawyers alike—are diligent about making sure each grievance is handled appropriately.

During my time on the commission, the State Bar created the Client-Attorney Assistance Program to foster a productive dialogue between Texas lawyers and their clients in resolving minor disagreements or misunderstandings. During 2013-2014, CAAP took action on behalf of Texas legal consumers more than 39,000 times and provided dispute-resolution services for more than 1,100 Texas lawyers and their clients. CAAP successfully reestablished communication between the attorney and the client in 81 percent of cases, up from 74 percent during the previous year.

This program is just one of many ways the State Bar is working to protect the public, improve the administration of justice, and prevent those so-called “licensed crooks” from defining our profession. The power to self-govern is the basis for this work, and we should do everything in our power to continue to hold that right very dear.

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