

There's Something I NEED TO TELL YOU

JESSICA CONSULTS WITH AN ATTORNEY, Jordan, regarding a recent car accident in which the other driver was at fault. Jessica has never hired an attorney before and knows little about attorney-client relationships or the legal system in general. As the case progresses, Jessica feels that Jordan is too slow in responding to Jessica's calls and emails and does not keep her updated on the progress of her case. Jessica becomes increasingly frustrated and decides to retain a new lawyer, Taylor.

Taylor advises Jessica that she may want to file a grievance against Jordan with the State Bar of Texas. When Jessica responds that she did not even know that there was a grievance process and that she could file a complaint against her attorney, Taylor tells her that Jordan should have made that information available to her.

Under state law, what are Jordan's obligations regarding advising Jessica about the grievance process?

- A. Jordan was not required to notify Jessica about the grievance system unless and until Jordan "reasonably believes" that a grievable offense had been committed
- B. Jordan was required to provide information regarding the grievance system in the fee agreement with Jessica
- C. Jordan was required to provide Jessica with a brochure created by the State Bar of Texas regarding the grievance process at Jordan's law office
- D. Jordan was required to post a prominently displayed sign in the law office with information regarding the grievance process
- E. Jordan was required to provide grievance process information in the bills to Jessica
- F. Either B or C
- G. Either C or D
- H. Either B, C, or E
- I. Either B, C, D, or E



ABOUT THE CENTER

The Texas Center for Legal Ethics was created by three former chief justices of the Supreme Court of Texas to educate lawyers about ethics and professionalism. Lawyers can access the Texas Disciplinary Rules of Professional Conduct, the Texas Lawyer's Creed, and a variety of other online ethics resources by computer or smart device at legaethicstexas.com.

DISCLAIMER

The information contained in Ethics Question of the Month is intended to illustrate an ethics issue of general interest in the Texas legal community; it is not intended to provide ethics advice that applies regardless of particular facts. For specific legal ethics advice, readers are urged to consult the Texas Disciplinary Rules of Professional Conduct (including the official comments) and other authorities and/or a qualified legal ethics adviser.

ANSWER: The State Bar Act, which is found in Chapter 81 of the Texas Government Code, sets forth the provisions governing the State Bar of Texas and its activities. Section 81.079(a) requires that the State Bar take various steps to publicize the attorney disciplinary process, including developing a brochure describing the bar's grievance process.

Section 81.079(b) requires attorneys to inform each client of the lawyer disciplinary process.¹ Specifically, attorneys *must* inform clients of the "existence of a grievance process" by *one* of the following actions: (1) making the State Bar's grievance brochures available at the attorney's place of business, (2) posting a sign prominently displayed in the attorney's place of business describing the process, (3) including the information on a written contract for services with the client, or (4) providing the information "in a bill for services to the client." The correct answer is I. For more analysis, go to legaethicstexas.com/ethics-question-of-the-month.

NOTES

1. The State Bar has a webpage to assist attorneys with this requirement at www.texasbar.com/Content/NavigationMenu/ForLawyers/GrievanceandEthics/RequiredNoticetoClients.