



MY OPINION

BY BUCK FILES

PRESIDENT, STATE BAR OF TEXAS

What Can the State Bar Do for You?

When I was campaigning for the office of president-elect of the State Bar, I promised that, if elected, I would be a *Voice for all lawyers*. I am now working hard to keep that promise. I began by reaching out to the presidents and executive directors of the Texas Trial Lawyers Association, Texas Association of Defense Counsel, Texas District and County Attorneys Association, Texas Criminal Defense Lawyers Association, and various metropolitan bar associations.

Their responses have been heartening. TDCAA came to the State Bar of Texas video studio and filmed a webcast for its members. TTLA and TADC joined with the American Board of Trial Advocates and also filmed a webcast. TCDLA continues to co-sponsor a criminal law course with the State Bar and they requested — and received — other assistance from the State Bar.

The State Bar is here to help *you*. That is the message that I have carried as I have spoken to local bar associations, law students, attendees at CLE events, sections of the State Bar, judges attending their recent judicial conference, and lawyers and judges whom I have seen in the courthouses in Fort Worth, Waco, Beaumont, Galveston, San Antonio, Lubbock, Midland, and Quitman.

If any single group has felt estranged from the State Bar, it is the prosecutors of Texas; therefore, I have made it a goal to see the district or county attorney — and some of their staff — in each courthouse that I visit. Are they sometimes skeptical? Of course! One elected district attorney told me that the State Bar has never done anything for her in 20 years. But *all* have

been receptive as I have explained the many benefits that *all* our members receive. Prosecutors are aware of the ethical issues that can come up and bite you during the trial of a case and they show enthusiasm for the State Bar's Ethics Helpline. I tell them about a defense lawyer who recently had one of those "bar examination" ethical issues and called the helpline. The State Bar lawyer on the other end of the line spent 65 minutes going over with her every possible ethical issue in the case — and possibly saved her from a grievance or a writ alleging ineffective assistance of counsel.

The members of our judiciary are another group that has, in the past, sometimes felt ignored by the State Bar. A judge in Waco said, "We're *all* lawyers — we just play different roles in the trial of a case." Judges are especially receptive to my emphasis on professionalism and ethics and the Texas Lawyer's Creed. The judges in San Antonio are so enthusiastic about the Lawyer's Creed that you would think that it was written in San Antonio. One East Texas judge told me that lawyers have a right to fight for their clients, but not *just* to fight. If that's their attitude, they shouldn't have a right to sit inside the rail.

It just makes me feel good to have lawyers come up to me and praise one of our programs, especially the Texas Lawyers' Assistance Program which assists attorneys battling mental health and substance abuse issues. While in Midland, two volunteers for TLAP told me about their friends who would not be lawyers now without the help they received from TLAP.

I am often asked what is the most fun

aspect of being State Bar President? Visiting with law students — they're bright and eager and ready to carry on the profession. They are also quick to ask how the State Bar can benefit them as students and as lawyers.

If you see me in your courthouse, come over and talk to me. I want to hear what *you* have to say. And I'll ask you, "What can the State Bar can do for *you*?" ❖

MythBusters

The Myth: Attorneys are the only professionals in Texas who pay an occupation tax.

The Problem: The Texas Tax Code only includes occupation taxes for attorneys and oil well service professionals. Some attorneys take this to mean that the State Bar of Texas allows lawyers to be taxed when most other professions are not.

The Truth: The State Bar of Texas did not allow lawyers to be taxed; the Legislature required lawyers to be taxed when it added the same amount to other licensees' fees. Most professionals — including doctors, dentists, psychologists, and accountants — had \$200 added to their fee that operates the same as the attorney occupation tax, of which 25 percent is allocated to the Foundation School Fund and 75 percent to the General Revenue Fund of Texas. Because the State Bar is part of the judicial branch and license fees are not set by statute, the \$200 fee was added in the Tax Code while the others were added to their specific statutes. The fee/tax has not increased since it was created in 1991.