

★ ★ ★ ★ ★ STATE BAR of TEXAS ★ ★ ★ ★ ★

# ★ ★ ★ Performance Measures ★ ★ ★

# ★ ★ ★ Outcomes ★ ★ ★

## FOR STATE BAR YEARS 2011 AND 2012

### INTRODUCTION

This report is filed pursuant to Section 81.0215 of the Texas Government Code Ch. 81 (the State Bar Act), which requires the State Bar of Texas to adopt a strategic plan every two years that includes measurable goals and a system of performance measures. The State Bar Act further requires the Bar to report to the Supreme Court of Texas the outcomes of these strategic plan performance measures.

In its current strategic plan, the Bar identified six broad strategic categories guiding its goals and performance measures: 1) Service to the Public; 2) Service to Members; 3) Protection of the Public; 4) Access to Justice; 5) Sound Administration and Resources; and 6) Financial Management.

1. **Service to the Public:** The State Bar of Texas serves the public by: 1) educating the public about the Rule of Law and the role of judges, lawyers, and the public in the justice system; 2) helping lawyers provide the highest quality legal and community service; and 3) working for equitable access and participation in all aspects of the justice system by diverse groups within our society.
2. **Service to Members:** The State Bar of Texas seeks to provide all of its members superior services (including continuing legal education, online resources, publications, networking and leadership opportunities, and member benefits) to assist them in offering ethical, high-quality legal services, and in building and maintaining efficient, effective, and productive law practices.
3. **Protection of the Public:** The State Bar works to protect the public through its powers to regulate the conduct of lawyers and by promoting ethics and professionalism.
4. **Access to Justice:** The State Bar of Texas works to ensure access to justice for all.
5. **Sound Administration and Resources:** The activities and services of the State Bar of Texas shall be administered at a high level of efficiency and professionalism in conformance with best practices observed by Texas state agencies and by bar associations of similar size and scope.
6. **Financial Management:** The State Bar shall conduct its fiscal affairs in conformance with or to establish the

best management practices observed by Texas state agencies and by bar associations of similar size and scope.

Each State Bar Year runs from June of each year through May of the next. The performance measures for State Bar Years 2011 and 2012 measure the delivery of State Bar services and resources to its members and to the public, as well as the access and use of those services and resources. Each performance measurement provides a snapshot of a discreet number of State Bar core services. Those measurements allow the Bar to identify successful areas and programs and those that need improvement.

### SERVICE TO THE PUBLIC

#### *Presidential Initiative*

During his service as president of the State Bar in Bar Year 2012, Bob Black emphasized educating Texas students to help them become responsible citizens who one day will vote, sit on juries, and perhaps become public servants. President Black's initiative, *Oyez, Oyez, Oh Yay! Civics Resources for Texas Students and Teachers*, includes information, resources, and curricula for educators that cover topics in the Texas Essential Knowledge and Skills standards for social studies. Under these standards, Texas middle and high school students are expected to analyze landmark court cases and are tested on the material. The *Oyez* website provides an engaging and interactive vehicle to help students and teachers explore these landmark cases and how they have affected our everyday lives. The initiative has helped more than 6,800 teachers and 450,000 students in preparing for the TEKS standards, and it was awarded the National Association of Bar Executives/LexisNexis Community and Educational Outreach Award.

#### *Education and Information*

In an effort to reach members of the public with useful information about the Texas legal system and process, the State Bar, Texas Young Lawyers Association, and the Bar's Law-Related Education Program publish dozens of handbooks and pamphlets in both English and Spanish on such topics as health issues, senior citizens issues, employment law, veterans' rights, and family law.

These publications are available from the State Bar in both written form and online. During the 2011 and 2012 Bar Years, the Bar distributed about 125,000 publications. These and other public-focused publications were accessed on the State Bar websites more than 150,000 times.

The Texas Young Lawyers Association provides resources for the public, including educational websites and videos. Its award-winning program, *R U Safe?*, designed to educate children and parents about online dangers, reached more than 1,800 Texas citizens in Bar Year 2012. A video program produced by TYLA titled, *You're Hired! Now What?*, educates students and those new to the workplace about rules governing discriminatory or unfair workplace environments. This program reached more than 1,500 young Texans, including a roll out at the Central Texas High School Senior Day at Baylor Law School in May 2012. TYLA's largest project in Bar Year 2012 was its production of *The Unconscious Truth: The Legal and Physical Effects of Underage Binge Drinking*, consisting of a DVD and a classroom curriculum for Texas teachers. TYLA produced more than 1,000 DVDs and the video quickly became a popular download on the TYLA website. In May 2012, the San Antonio Council on Alcohol and Drug Abuse presented *The Unconscious Truth* during the National Alcohol Abuse Prevention Week.

The Law-Related Education Program of the State Bar publishes informational and educational materials for the public. It also trains Texas teachers on civics and law-related topics and provides them with curricula and materials to use in their classrooms. Over the course of Bar Years 2011 and 2012, the program trained almost 15,000 teachers in 329 courses. Law-Related Education curricula were accessed online approximately 20,000 times each month.

### Lawyer Referrals

For members of the public in need of an attorney, the State Bar's Lawyer Referral and Information Service is a useful resource — particularly for citizens located outside the major metropolitan areas of Texas. Serving more than 240 counties, the LRIS, through its hotline and online service, provides referrals to attorneys who have agreed to offer an initial consultation for no more than \$20. In each of the 2011 and 2012 Bar Years, the service assisted more than 80,000 Texans.

## SERVICE TO MEMBERS

### Continuing Legal Education

TexasBarCLE is one of the top providers of continuing legal education in the country. During Bar Year 2011, more than 17,500 attorneys attended TexasBarCLE live or video events. In Bar Year 2012, the number of attendees increased to more than 19,000.

Use of the TexasBarCLE *Online Classroom* continues to grow,

with a 10-percent increase from Bar Year 2011 to Bar Year 2012. In November 2011, TexasBarCLE made its *Online Classroom* available on mobile devices, such as the iPad, iPhone, and iPod, as well as Android and Blackberry devices. From its inception through May 2012, more than 4,700 Texas attorneys took advantage of mobile CLE.

### Diversity and State Bar Participation

Without member participation in its sections, committees, and leadership, the State Bar could not meet its standards of excellence in service to the public and profession. In the 2011 and 2012 Bar Years, approximately 43 percent of State Bar members were part of one or more State Bar sections, and approximately 500 members volunteered as members of State Bar standing committees. The State Bar works to ensure ethnic and gender diversity among its section and standing committee membership.

In Bar Years 2011 and 2012, 33 percent of State Bar members were women attorneys and 16 percent were racial or ethnic minorities. During each of those years, women attorneys made up 32 percent of section membership and minorities made up 13 percent. On State Bar standing committees, 44 percent of members were women and 28 percent were minorities.

Through its Office of Minority Affairs and other programs, the State Bar continues to seek new ways to serve minority attorneys and increase their participation in the Bar. Initiatives include:

- **Texas Minority Counsel Program** (matching minority attorneys with corporations looking to hire in-house and outside counsel).
- **Texas Minority Attorney Program** (live CLE events geared toward women and minority attorneys).
- **Minority Attorneys at the Podium** (aimed at increasing the involvement of women and minority attorneys in planning and speaking at TexasBarCLE programs).
- **Diversity Forum** (an annual event where participants learn about diversity in the legal profession).
- **Minority Leadership Summit** (giving minority and local bar leaders, section chairs, and committee chairs a forum to discuss issues of interest).
- **Pipeline Project** (a mentoring project of the Law-Related Education Department).
- **The Texas Spectrum** (a newsletter dedicated to the delivery of news concerning diversity in the legal profession).

With the goal of supporting State Bar and local bar leadership that more closely resembles the demographics of Texas, the State Bar created the LeadershipSBOT program. Each year, 20 young lawyers are selected for their leadership potential, commitment to diversity in the profession and judiciary, and commitment to serve on State Bar, TYLA, or a related entity's committees or boards. These attorneys participate in three multi-day sessions each year geared toward developing leadership skills.

TYLA co-sponsored its annual Pre-Law Diversity Symposium with the University of Texas at El Paso-Law School Preparation Institute in October 2011. The focus of the symposium was to educate El Paso area high school students on the importance of diversity in the legal profession. More than 300 El Paso high school students attended, representing 17 El Paso-area high schools.

### **Member Benefits**

The State Bar has increased available member benefits, including discounts and preferred pricing on products and services for Texas attorneys. As of Bar Year 2011, the number of State Bar member benefit providers increased to 74, resulting in more than 200,000 annual transactions. For example, participating members have saved a total of \$1.5 million with FedEx, \$44,000 annually in car rentals, and more than \$23,000 annually with Brooks Brothers.

Perhaps the most valuable member benefit is free online legal research through *Casemaker*. During Bar Year 2011, a daily average of 427 unique users accessed *Casemaker*. In Bar Year 2012, that number increased to an average of 587 unique users each day.

## **PROTECTION OF THE PUBLIC**

The State Bar approaches its duty to protect the public from unethical conduct by attorneys on two distinct but related fronts – prevention and discipline.

### **Prevention**

Through the Client Attorney Assistance Program, the Bar assists clients and their lawyers in resolving certain “non-grievance” issues before they rise to the level of sanctionable offenses. Most of these issues arise from communication problems or poor law office management. Because CAAP handles all calls through the Grievance Hotline, many of these calls involve grievance issues. In those cases, the callers are informed about the grievance process and are sent a grievance form. In Bar Year 2011, CAAP sent grievance forms and information to approximately 5,200 callers. In Bar Year 2012, CAAP sent approximately 5,800 grievance forms. Some calls are from persons who need another resource such as referrals to community services or a lawyer referral service.

For matters that fall within the purview of CAAP, the program helps resolve client-attorney issues. That help can range

from informal resolution, wherein CAAP calls the attorney in an effort to mend the attorney-client relationship, to formal mediation facilitated by one of CAAP's accredited mediators. Approximately 4,800 callers requested CAAP's assistance in resolving issues in Bar Year 2011, and in Bar Year 2012 CAAP received about 3,900 requests for assistance.

Too often, attorneys who engage in professional misconduct suffer from substance abuse or addiction, depression, or other mental or emotional impairments. In 2007, the Chief Disciplinary Counsel instituted a program to identify these attorneys as they enter the disciplinary system, and to help them access the necessary assistance. In cases involving minor misconduct, an attorney can be referred to the appropriate resources, including the State Bar's Texas Lawyers Assistance Program. If the attorney takes advantage of the resources and successfully completes an individualized recovery program, the complaint against him or her can be dismissed. During Bar Year 2011, 46 attorneys successfully completed the program's requirements. In Bar Year 2012, 54 attorneys completed the program.

As a service to Texas attorneys, the Chief Disciplinary Counsel's office maintains a toll-free Ethics Helpline to assist attorneys with questions about their ethical obligations to clients, the courts, and the public under the Texas Disciplinary Rules of Professional Conduct. In Bar Year 2011, the Helpline received 5,300 calls for assistance. In Bar Year 2012 it received 5,500 calls.

Outside of the attorney disciplinary system, the Texas Lawyers Assistance Program indirectly protects the public by offering assistance to impaired attorneys. During Bar Years 2011 and 2012, TLAP directly assisted about 1,200 attorneys suffering from chemical dependency and/or mental illness, and helped more than 340 family members, friends, and co-workers of impaired attorneys. The TLAP director and program staff run a 24-hour helpline and make presentations and distribute information to educate law students and attorneys on the signs, symptoms, and consequences of addiction and mental illness, as well as avenues for recovery.

### **Discipline**

A core purpose of the State Bar is processing grievances and sanctioning attorneys found to be in violation of the Texas Disciplinary Rules of Professional Conduct. In Bar Year 2011, the State Bar disciplinary system issued 402 sanctions. In Bar Year 2012, there were 371 sanctions.

In some instances, the Bar can go further through the use of its Client Security Fund. When an attorney, for all intents and purposes, steals a client's money, the Bar can provide discretionary grants, within certain limitations, to help the client recover from the theft. Over the course of Bar Years 2011 and 2012, the Client Security Fund paid more than \$1,385,000 in grants on 188 claims.

## ACCESS TO JUSTICE

### *Presidential Initiative*

Terry Tottenham, as president of the State Bar during Bar Year 2011, implemented *Texas Lawyers for Texas Veterans*. The program develops and supports pro bono legal clinics throughout the state for military veterans who cannot afford or do not have access to legal services they need. In partnership with the Texas Young Lawyers Association and local bar associations, this program has helped more than 6,000 veterans.

### *Leveraging Bar Resources*

Improving access to justice for the poor in Texas is a high priority of the State Bar. While the Bar does not provide direct legal services to the poor, it does offer support and services to private pro bono attorneys and legal aid organizations through its Legal Services Support Division. By way of programs like the Malpractice Insurance Network, the Student Loan Repayment Assistance Program, the Legal Research Network, and various training seminars, the Bar leverages its resources to create a positive ratio of cost to value of assistance.

After local volunteer attorney programs faced difficulty recruiting lawyers because of the lack of malpractice coverage, the State Bar founded the Malpractice Insurance Network. Through that program, the State Bar provides basic attorney malpractice insurance for qualifying legal aid and pro bono programs to cover staff and volunteers. During Bar Years 2011 and 2012, 57 legal services programs took advantage of this benefit.

In an effort to help legal services programs provide high quality and efficient pro bono services, the Bar began a program to pay for Lexis-Nexis online legal research for local and statewide legal aid programs. During Bar Years 2011 and 2012, 350 legal aid lawyers used this service.

Too often, young lawyers who wish to practice in the legal services arena cannot afford to do so because of student loan obligations. To help young lawyers enter and remain in this practice area, the State Bar partners with the Texas Access to Justice Commission and the Texas Access to Justice Foundation to pay a portion of monthly student loan repayments, subject to eligibility requirements. In Bar Year 2011, the program helped 121 attorneys. The number of attorneys assisted in Bar Year 2012 increased to 130.

In addition to presentations and CLE offered by the State Bar at the local bar level, the Legal Services Support Division provides free multi-day seminars for legal services staff (the Pro Bono Coordinators Retreat) and for attorneys who provide legal services to the poor through pro bono or through legal aid programs (the Poverty Law Conference). Each year, approximately 330 attorneys and staff members are trained through these seminars.

The Access to Justice Commission, in partnership with the State Bar, hosts an annual Gala to increase awareness of the

need for legal services to the poor and to raise funds for such services. In Bar Year 2011, the Gala attracted 475 attendees and raised \$379,000. The Bar Year 2012 Gala had more than 540 attendees and raised \$413,000.

### *Assistance after Disasters*

In Bar Year 2011, Bastrop County and surrounding areas were ravaged by wildfires. The State Bar teamed with local bar associations and legal service providers to assist those whose lives and property were devastated. The Bar established a hotline to provide legal information and assistance, and State Bar staff and volunteers traveled to the area to support and assist the community.

## SOUND ADMINISTRATION AND RESOURCES

In this year's performance measures for this category, the State Bar focused on staff training. There are two broad categories of staff training that the State Bar offers. The first includes trainings covering employment law issues such as sexual harassment and employment discrimination. These two issues were the subject of trainings in Bar Years 2011 and 2012, at which staff attendance was mandatory. The second category includes various skills training through Book Clubs with from 60 to 76 participants, technology training, CPR certification, and Wellness Brown Bag luncheons.

## FINANCIAL MANAGEMENT

Over the years, the State Bar has proven itself an excellent steward of its finances. For Bar Years 2011 and 2012, it received unqualified financial audit reports as well as the best possible reports on its annual internal audits. As a result of sound financial management, as of May 31, 2012, the State Bar has set aside \$8,209,579 in reserves — an amount sufficient to cover approximately 2.6 months of expenditures.

## CONCLUSION

The officers, directors, and staff of the State Bar are honored to serve the attorneys and citizens of Texas. The Bar continues to operate at a high level of efficiency and effectiveness in delivering these services, thanks to its sound financial health and its ability to take advantage of ever-evolving technology. With the positive guidance and leadership of the Supreme Court, the State Bar will continue to offer the highest quality of services over the years to come. 🌟