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RE: “President-elect’s Page: Elections Make a Difference—Just Look at Last Year,” April 2018, P. 224

Mr. Longley’s article was refreshingly remarkable, and he is to be commended for his commitment to “open meetings, open records, open elections, and open minds.” I was impressed with this article, and it ought to be a must-read for all Texas lawyers and law students. Thank you, Mr. Longley, for a well-written article. However, I was surprised that Mr. Longley did not mention the new procedural rules for grievance procedures that will be effective soon. Perhaps that will be the subject of another article coming soon.

Many lawyers will be surprised to learn the extent of the subpoena power that has been granted to the State Bar to investigate so-called grievance violations. These new procedural rules were implemented by the Texas Supreme Court during the tenure of previous administrations and carry with them retroactive application. These new retroactive rules and procedures include subpoena powers. While I probably would have supported some modifications of the procedures for investigating violations of the Disciplinary Rules, the newly imposed procedural rules give Texas attorneys few options to quash subpoenas that, for one rea-

son or another, may be overbroad. I would like to see how a Texas attorney’s rights under the new DR investigative procedures compare to the rights afforded people accused of violent crime. As it stands, with little or no ability to quash a subpoena, it would appear that people accused of crimes soon will have more due process safeguards than attorneys who have been accused (rightly or wrongly) of violating the Disciplinary Rules.

As Mr. Longley correctly points out, the State Bar is a state agency. That state agency now has subpoena powers to each and every Texas attorney’s client documents, emails, and financial records. It is unclear how those subpoena powers can be checked if they are too broad. If our governing state agency’s subpoena powers cannot be effectively checked, a risk of abuse exists. Mr. Longley, in his quest for transparency, must review the fairness of the new DR procedures, use his new office to raise awareness of the issues associated with the new procedures and, if appropriate, work to reform the reformations.

STEPHEN ANDREW KENNEDY
Dallas

Editor’s note: See Page 444 for an overview of the new disciplinary rules.

ON SOCIAL

RE: “CONSTRUCTION CONSIDERATIONS,” APRIL 2018, P. 238

Very interesting! Well read!

Donna Ball-McCaig,
on Facebook

RE: “TAKE STOCK,” APRIL 2018, P. 306

From Robert W. Wood, via the State Bar of Texas (@statebaroftexas) Client Page, “A Look at How Options are Taxed.” For executives and other employees expecting stock options, this article outlines the differences in tax treatment of ISOs and NSOs. Includes helpful examples.

Alan E. Sherman,
on Twitter
@AlanSherman

RE: “STATE BAR DIRECTOR SPOTLIGHT: REHAN ALIMOHAMMAD,” APRIL 2018, P. 230

Thank you for all you do, Rehan.

Andrew Tolchin,
on Facebook



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