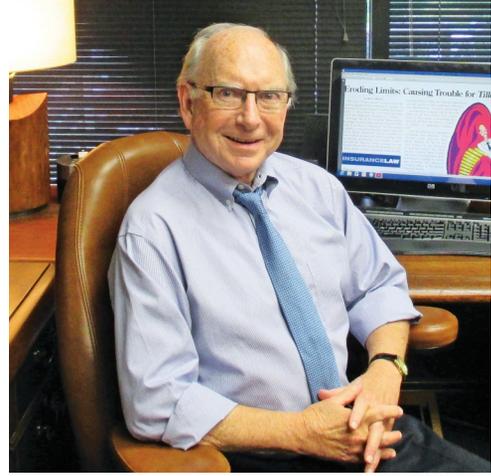


Transparency and Fiscal Control Within the State Bar



Congratulations go out to President-elect Randy Sorrels, as well as to his former opponent, Lisa Blue, who both embraced State Bar transparency and fiscal controls in their respective campaigns.

Having been both a “requestor” of State Bar records under the Texas Public Information Act, or PIA, as well as an officer requesting many internal records, I’ve had the advantage of viewing bar transparency from two different perspectives.

First, as a member of the public seeking information about the State Bar from its own records, I’ve personally experienced delays when the bar requests clarification; seeks extensions in

response time; seeks to notify third parties for claims of privacy regarding proprietary materials or trade secrets; and sends claims of PIA exceptions (mandatory or discretionary) to the Office of the

To sum up, working with 2017-2018 President Tom Vick, my tenure as president-elect has assisted in a \$2 million reduction (5 percent) from last year’s general fund budget—and has brought about tangible transparency progress within the bar’s internal records structure.

Attorney General of Texas, or OAG, for a ruling on whether submitted records may be withheld from the requestor.

During the 2017 president-elect campaign, several PIA requests were made relating to hotly contested issues such as the perceived use of Sunset legislation to eliminate our 76-year-old referendum voting process; embezzlement of over \$555,000 in bar dues by a 31-year bar employee from a Texas Supreme Court account that she had access to; wasteful spending; and alleged misuse of agency resources in the campaign itself. In many instances, very few documents were produced—and many of those were highly redacted.

That PIA experience led to my second perspective: that of an elected State Bar officer. As a result of taking the president-elect’s oath, I became entitled to see all bar records in order to fulfill my statutory and fiduciary duties to the public and the bar.

In July of last year, I began making officer’s requests for copies of various records to assist me in performing those duties. Most of the requests were for State Bar records sent

to the OAG that had been previously *withheld* from disclosure. To date, I’ve made 14 such officer’s requests.

By viewing the results of the records *produced* vs. the records *withheld*, I’ve been able to judge the value of the information revealed as “public information” *against* the value of records concealed by a PIA exception. As you might surmise, the value perspective changes greatly with possession of all of the documents as originally requested.

Through this process, I’ve now received and reviewed some 3,000 pages of State Bar records withheld from PIA requestors, including me. From my review, I’ve reached the conclusion that the State Bar relies too heavily on discretionary PIA exemptions to withhold records from public disclosure.

Consequently, I’ve recommended that all current officers and directors examine these same materials to better fulfill their fiduciary duties. Through this process, each director has the ability to reach his or her own conclusion.

Progress on these transparency issues to make the State Bar better will continue, and I look forward to working with President-elect Sorrels where we share common ground.

To sum up, working with 2017-2018 President Tom Vick, my tenure as president-elect has assisted in a \$2 million reduction (5 percent) from last year’s general fund budget—and has brought about tangible transparency progress within the bar’s internal records structure. Significant changes have been made for nominating candidates for president-elect—and campaign activities have been broadly reformed favoring openness and free speech.

Finally, you can now view some of this progress for yourself. The April 27 board meeting marked the first videotaping of a complete beginning-to-end State Bar Board of Directors meeting—and the video is now posted on the State Bar’s website.

Take a look at how open “self-governance” operates.

JOE K. LONGLEY

2018-2019 President, State Bar of Texas