

# Bar Leadership Emphasizes Transparency With Independent Review

BY AMY STARNES

An independent examination of the State Bar of Texas' open government efforts found the bar is in compliance with all governing statutes, laws, and policies related to transparency.

Survey results completed as part of the report also indicate members are generally satisfied with the frequency of communication from the State Bar and that more members agreed than disagreed that "the overall transparency of the State Bar is appropriate for my needs."<sup>1</sup>

Texas-based Weaver and Tidwell—an assurance, tax, and advisory firm—conducted the independent examination after the State Bar Board of Directors voted unanimously on June 20 to hire the firm and attain a full review of the bar's processes. Weaver evaluated existing transparency efforts, surveyed bar members and the public, and identified opportunities for the bar to improve communication and transparency processes as part of its review.

Weaver's survey results identified that bar members are "generally satisfied with the quality and information provided by the State Bar related to the programs and services for members" and are satisfied with the frequency of bar communication, according to conclusions from the report.

While Weaver's survey results of active and inactive members indicated they are "generally satisfied with the quality and accessibility of information related to the State Bar's governance," Weaver pinpointed three areas related to governance where survey respondents reported they were more dissatisfied than satisfied:

- Discussion and disclosure surrounding board meetings;
- Financial information and results; and
- Open records/open meetings information.

Weaver recommended that bar leaders continue to focus on increasing the quality of information provided to members in those areas.

Jarrod Foerster, chair of the board's Audit and Finance Committee, said committee members were pleased with the results.

"We felt that it was imperative to seek the input and opinion of every member of the bar along with members of the public as to their level of satisfaction with the quality of information provided by the bar relating to programs, services for members, and the governance of the State Bar," he said.

Foerster said he also is pleased that State Bar staff has implemented or is in the process of implementing changes responsive to 10 recommended improvements Weaver pinpointed to enhance current policies and procedures. The recommendations and corresponding actions are listed below:

- Recommendation: Consider providing Board of Directors and Executive Committee meeting materials to the public prior to open meetings.  
**Action:** The State Bar has begun posting board meeting materials on [texasbar.com](http://texasbar.com) and will begin posting Executive Committee materials online in advance of all future meetings.
- Recommendation: Consider posting quarterly financial information on the bar's finance webpage.  
**Action:** The bar has posted the most recent unaudited quarterly financial statement and budget information at [texasbar.com/finance](http://texasbar.com/finance) and will post all future quarterly reports as they are provided to the board.
- Recommendation: Consider posting pertinent information related

to State Bar vendor contracts on the State Bar website.

**Action:** The bar is working with its department heads to develop procedures for posting contract information.

- Recommendation: Consider providing opportunities for bar members to further customize the desired email subscriptions with the bar.

**Action:** Staff members are working to customize categories of information and give attorneys the ability to choose the types of email they receive.

- Recommendation: Consider developing an entity-wide calendar of communications to allow management to centrally monitor the dissemination of information.

**Action:** The bar has created this calendar as suggested.

- Recommendation: Consider implementing an automated tool to track the responses to Texas Public Information Act, or PIA, requests.

**Action:** The State Bar has updated its PIA tracking mechanisms to include automatic calculations of deadlines and created new alert systems for PIA requests that require information technology searches. Staff members anticipate developing or purchasing additional automated tools for tracking PIA requests, as suggested.

- Recommendation: Proactively publish information frequently requested through PIA requests.

**Action:** The bar has added historical records to its current documents already posted at [texasbar.com](http://texasbar.com) and has begun reviewing categories of PIA requests to identify frequently requested items for posting.

- Recommendation: Consider providing board members with State Bar email addresses to facilitate PIA request processing.

**Action:** The bar offers email addresses to all board members and officers. The board will determine whether use of such emails will be mandated or other options should be considered.

- Recommendation: Consider enhancing communication with requesters of public information by reiterating PIA processing procedures and timing.

**Action:** The bar will provide information regarding the PIA response process to requesters to help educate them on the time necessary to complete thorough searches and to review and redact responsive records as necessary.

- Recommendation: Enhance the documentation to support the completion of board member training.

**Action:** At future new director orientations, the bar will require attendees to sign in, and these sign-in sheets will be kept as a record that board members completed the required training.

Weaver's report was completed in late October and presented to the full board of directors in January. The report and its analysis can be found at [texasbar.com/weaverreport](http://texasbar.com/weaverreport). **TBJ**

## NOTE

1. Weaver, *State Bar of Texas Report over Consulting and Advisory Services Procedures over Transparency in Governance and Operations* (Oct. 29, 2018).



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