



THE PRIVILEGE OF SELF-GOVERNANCE

Years ago, as a Galveston County trial lawyer, I served a three-year term on the Commission for Lawyer Discipline, a standing committee of the State Bar of Texas that administers the attorney discipline system. The commission—composed of lawyers and non-lawyers—undertakes the important work of protecting the public and upholding lawyers' professional responsibilities.

From my seat on the commission, I was very aware of the awesome privilege that the state of Texas has granted to lawyers—the privilege of self-governance—as well as the tremendous responsibility that comes with it. Fortunately for all Texans, lawyers and the public members on our bar's governing bodies have consistently lived up to that responsibility.

My confidence in our system of self-governance has only grown since my time on the commission, through my service as 2014-2015 State Bar president and now as executive director.

Of course, self-regulation is only meaningful if attorneys stay informed and vote on proposed changes to disciplinary rules.

The Rule-Making Process: In 2017, the Legislature adopted a new process designed to maximize transparency and increase participation from bar members and the general public.

Central to the process is the new Committee on Disciplinary Rules and Referenda, or CDRR. The committee is composed of nine members—seven attorneys and two public members—who oversee the initial process for proposing disciplinary rule changes. The committee, chaired by Lewis Kinard, has gone to great lengths to encourage public and member input.

Once a rule proposal is recommended by the committee and approved by the State Bar Board of Directors, members have the opportunity to vote on the proposed rule change by way of a referendum.

Rules in Development: The committee has recommended its first rule changes relating to **clients with diminished capacity** and **confidentiality of information**. The board considered and approved the proposals in April (see State Bar Board Update on page 412). Another proposal, concerning **lawyer advertising** rules, was published in the December issue of the *Texas Bar Journal* but did not proceed to the board. Instead, the committee has revised the proposal based on public and member input and is publishing it for review on page 444 of this issue. This input by stakeholders is a sign the process is working as designed.

Your Vote Matters: New developments in methods of communication, technology, and laws governing society in general require we review and refine the rules **governing our profession** where and when appropriate. A proposed rule passes or fails based on the vote of the majority of members **actually voting**.

Self-Governance at its Best: It is self-governance at its best when standards of conduct for the profession are well developed and informed by input from Texas lawyers and the public. I encourage members to take the opportunity to provide input when proposed rules are published for comment.

To read more about the rule-making process, ways to participate, proposed rule changes, and to submit comments, go to texasbar.com/CDRR and under "Navigation," click on "Docketed Requests." While you're on the site, you can sign up for email updates to be among the first to know about upcoming public hearings and proposed rules.

Sincerely,

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GOVERNANCE INFORMATION

As I explained in my May column, the mandatory bar is facing legal challenges in Texas and other states across the country. Yet it is the structure of our Texas Bar, as defined by the State Bar Act, that grants all members the right to vote on the people who represent us, the rules that regulate us, and the dues we pay for the right and privilege to practice law. We will continue to zealously defend the structure of the State Bar of Texas to preserve our system of self-governance. To follow developments related to these legal challenges, go to texasbar.com/mcdonaldvlongley.