



Turning the Page ON 2021

HAPPY NEW YEAR! THIS MONTH, THE TEXAS BAR JOURNAL looks back on major developments in the law in 2021. In that vein, I'm using my column to highlight some of the State Bar of Texas' major developments of the past year. I hope you'll read President Sylvia Borunda Firth's column on page 12 for a preview of some of what's coming up for the bar in 2022.

Mandatory Bar Lawsuit

In September, the State Bar Board of Directors approved changes to bar rules and policies following a U.S. Court of Appeals for the 5th Circuit panel opinion in the *McDonald* lawsuit challenging the mandatory bar in Texas. The 5th Circuit opinion upheld the constitutionality of the majority of the bar's challenged activities. Last month, U.S. District Judge Lee Yeakel issued a final judgment in the suit. In accordance with the 5th Circuit panel opinion, the final judgment enjoins the State Bar from "using Plaintiffs' mandatory dues to support lobbying or legislative activities (including such activities by the Texas Access to Justice Commission) seeking substantive changes to Texas law unrelated to regulating the legal profession or improving the quality of legal services." Plaintiffs have since filed a petition for writ of certiorari with the U.S. Supreme Court. You can read all filings in the case and find a summary of similar litigation against other mandatory bars at texasbar.com/mcdonaldvlongley.

New Online Resources

The State Bar is always striving to improve what we do to serve Texas lawyers. Among our newest member services are two online resources: Texas Bar Practice and the Advertising Review Portal. Texas Bar Practice (texasbarpractice.com) is an umbrella platform where lawyers can find all the State Bar's law practice resources such as Texas Bar Books and the Law Practice Management Program. The Advertising Review Portal is accessible through lawyers' My Bar Page at texasbar.com and allows you or your law firm to easily complete an advertising review application, upload media files, pay fees, check the status of recent submissions, and receive status notifications from the bar.

Disaster Resources for Attorneys

I devoted my May, June, and October 2021 columns to the challenges brought by the COVID-19 pandemic and the State Bar's response. It's worth repeating that the tools available at texasbar.com/attorneyresources can help you prepare for disasters and recover quickly when they occur. This webpage includes disaster planning resources, CLE, and an online succession planning form that allows you to easily designate a custodian-attorney who, in the event of your death or incapacity, can contact your clients, encourage them to obtain other counsel, and assist in the physical disposition of client files. This is a vital resource for emergency preparedness and client protection, and volunteering as a custodian-attorney is a tremendous way for lawyers to help each other.

Lawyer Well-being Resources

The Texas Lawyers' Assistance Program created a "Support Toolbox" resource of online support at tlaphelps.org that includes more than 20 hour-long videos on relevant mental health topics to help lawyers, law students, and judges through these trying times. The site also links to a free, one-hour CLE course on how to prevent and address suicide and depression in the legal profession. Confidential help is available anytime by calling or texting TLAP at 800-343-TLAP (8527).

Exercises in Self-governance

We started 2021 with a first-in-a-decade referendum, in which Texas lawyers overwhelmingly approved eight proposed disciplinary rule amendments. Later that spring, lawyers voted to elect Laura Gibson, of Houston, as the next State Bar president. A longtime state and local bar leader, Gibson is currently serving as president-elect and will be sworn in as president during the State Bar of Texas Annual Meeting in June.

Wishing you the best in 2022!

Sincerely,

TREY APFFEL

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Editor-in-Chief, *Texas Bar Journal*