



What I Learned From My Father—and From **CLOSING HIS PRACTICE**

MY FATHER, DAVID GIBSON, WAS A GREAT LAWYER. Triple board certified in family law, criminal law, and civil trial law, he practiced from 1957 until shortly before his death from cancer in 1990 at the age of 56. Before he passed away, the Gulf Coast Family Law Specialists presented an award in his honor named the David A. Gibson Award for Excellence and Professionalism. Even though I never worked as a lawyer for my dad, I learned the foundation of what makes a good lawyer from him. From my experience after his death, I also learned the importance of planning for the inevitable cessation of practice.

My dad taught me that a lawyer's word is his bond. He made me understand that a lawyer wants her opposing counsel to be as qualified as possible. He stressed that we have a duty to present the facts in the best light to our client, but that we don't make the facts, nor should we try to. He emphasized that our job is not to win at all costs, but to ensure justice is served.

When my father passed away, I was a four-and-a-half-year associate at what was then Liddell Sapp. My stepmother needed my assistance in returning my dad's clients' files to them. Fortunately, Jimmy Brill, who spent his entire career working to help solo practitioners, was a dear friend of my family's and helped me figure out what to do. Not everyone is so fortunate.

Information obtained from the State Bar's cessations docket pilot project indicates that the number of lawyers who are dying, becoming disabled, or disappearing without taking steps to close their practices is increasing. This critical problem will only grow worse unless we work to promptly address it.

As this year's State Bar president, I will work to promote succession planning to encourage solo practitioner lawyers to designate a custodian attorney. In 2018-2019, the bar created a Succession Planning Workgroup that developed an online custodian designation portal on the bar's website. The new Texas Rule of Disciplinary Procedure 13.04, which was approved by referendum, adopted by the Texas Supreme Court, and became effective July 1, 2021, enables lawyers to name a custodian to wind up and close their practice in the event of sudden cessation. Rule 13.04 provides the custodian attorney with the same protection as a court appointed custodian, which protects her from liability except for intentional misconduct or gross negligence.

The State Bar Law Practice Management Committee continues to work on the creation and promotion of succession planning materials, which are available at texasbarpractice.com. I will work hard to prioritize that project this year. While the bar has promoted the designation of a custodian attorney process, as I write this, less than 700 of our nearly 109,000 active Texas lawyers have designated a custodian attorney through the bar's portal. For more information about succession planning resources or to designate a custodian attorney, go to texasbar.com/succession.

We have heard of the "silver tsunami" that the legal community is experiencing. In 2019, the number of Texas lawyers more than 66 years of age totaled 19,085. In 2021, they totaled 21,137. That population represents about 20% of our members.

I hope that you will join me in working on this important project. Thank you for your time, attention, and most of all, your support.

LAURA GIBSON

President, 2022-2023
State Bar of Texas