



STATE BAR OF TEXAS

Internal Audit Services

AN INTERNAL AUDIT OF

Attorney Compliance

Report No. 23-002

May 9, 2023

This report provides management with information about the condition of risks and internal controls as a specific point in time. Future changes in environmental factors and actions by personnel may impact these risks and internal controls in ways that this report cannot anticipate.



Report Highlights

Why Was This Review Conducted?

McConnell & Jones LLP (MJ) serving as the outsourced internal audit function (Internal Audit) for the State Bar of Texas (SBOT) performed this internal audit as part of the approved FY 2023 Annual Internal Audit Plan.

Audit Objectives and Scope

To assess management’s controls and processes in place to assist attorneys in their efforts to comply with the new advertising rules and that the department has updated written documentation for how processes are performed. Additionally, we assessed the processes and controls in place to ensure that the Client Attorney Assistance Program (CAAP) maintains confidentiality while it facilitates communication and fosters productive dialogue between Texas lawyers and their clients to assist them in resolving minor concerns, disagreements, or misunderstandings that are impacting the Attorney-Client relationship.

The audit scope period was FY2022-23.

Audit Focus

- Process for assisting attorneys in their efforts to comply with Lawyer Advertising Rules.
- Client Attorney Assistance Program – Processes and guidelines for responding to attorney questions and acting as mediators between attorneys and their clients.
- Processes impacted by recent advertising review information system (portal) implementation.

We wish to thank all employees for their openness and cooperation. Without this, we would not have been able to complete our review.



Audit Conclusions

Our audit procedures applied to management’s controls and processes surrounding SBOT’s Attorney Compliance responsibilities, including the performance of attorney advertising reviews and Client Attorney Assistance Program activities indicate that controls and processes in place are generally effective. Additionally, we noted that the following processes demonstrated best practices:

- Collecting complete, accurate, relevant, and timely Advertising Review information,
- Communicating general information about the legal system through brochures, documents, and webpages, and
- Logging, tracking, and reporting CAAP Activities.

Internal Control Rating

Generally Effective with Best Practices Processes.

What Did We recommend?

We made no recommendations related to internal controls.

Number of Findings/ Opportunities by Risk Rating

Category	High	Medium	Low	Total
Findings	0	0	0	0
Improvement Opportunities	0	0	5	5

Pursuant to Standard 9.61 of the U.S. Government Accountability Office’s Government Auditing Standards, certain information was omitted from this report because that information was deemed to present potential risks related to public safety, security, or the disclosure of private or confidential data. Under the provisions of Texas Government Code, Section 552.139, the omitted information is also exempt from the requirements of the Texas Public Information Act.



Introduction

We performed this audit as part of the approved FY 2023 Annual Internal Audit Plan. This audit was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained accomplishes that requirement.

This report summarizes the audit objective and scope, our assessment based on our audit objectives and the audit approach.

Pursuant to Standard 9.61 of the U.S. Government Accountability Office's *Government Auditing Standards*, certain information was omitted from this report because that information was deemed to present potential risks related to public safety, security, or the disclosure of private or confidential data. Under the provisions of the Texas Government Code, Section 552.139, the omitted information is also exempt from the requirements of the Texas Public Information Act.

Objective, Conclusion, and Internal Control Rating

The purpose of this audit was to assess management controls and processes in place to assist attorneys in their efforts to comply with the new advertising rules when the advertisements are submitted to Advertising Review and that the department has updated, written documentation for how those processes are performed. We also assessed the processes and controls in place to ensure that the Client Attorney Assistance Program maintains confidentiality while it facilitates communication and fosters productive dialogue between Texas lawyers and their clients to assist them in resolving minor concerns, disagreements, or misunderstandings that are impacting the Attorney-Client relationship.

As such we focused on the following processes:

- Process for assisting attorneys in their efforts to comply with Lawyer Advertising Rules.
- Client Attorney Assistance Program processes and guidelines for responding to attorney questions and acting as mediators between attorneys and their clients.
- Processes impacted by the recent advertising review information system(portal) implementation.
- Protecting confidential records/documents/files of the CAAP.

The scope period was fiscal year 2022-23.

This audit identified findings that resulted in an overall internal control rating of **Generally Effective with Best Practice Processes**. **Exhibit 1** describes the internal control rating.

Finding vs Improvement Opportunity

We define a finding as an internal control weakness or non-compliance with required policy, law, or regulation. We define an improvement opportunity as an area where the internal control or process is effective as designed but can be enhanced.

Findings and Risk Rating Summary

Residual risk is Internal Audit’s ranking of the remaining risk or likelihood of a negative event occurring with the internal controls and processes in place.

Exhibit 2 provides a summary of our audit observations. See the findings and management response section of this report for a discussion of all issues identified recommendations and management responses.

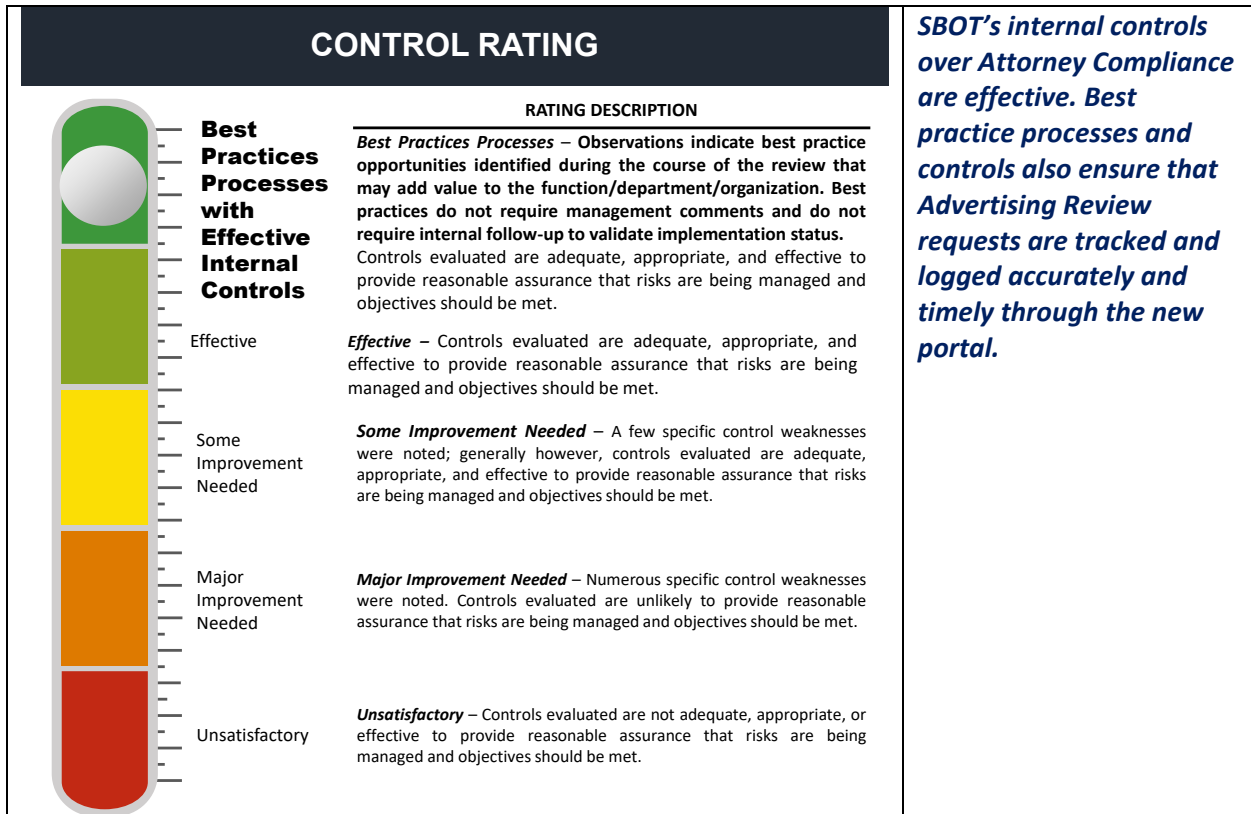


Exhibit 1. Internal control rating description.

Focus Area Statement	Residual Risk Ranking	Control Effectiveness	Recommendation
1. Are processes in place and effectively working to assist attorneys in their efforts to comply with Rule VII of the Disciplinary Rules of Professional Conduct?	Low	Generally Effective <u>Opportunity for Improvement</u> The links to the Texas Disciplinary Rules of Professional Conduct and the Advertising Review	None Consider displaying the links for the Texas Disciplinary Rules of Professional Conduct and the Advertising Review web page more



Focus Area Statement	Residual Risk Ranking	Control Effectiveness	Recommendation
		web page are nested under the <i>For Lawyers > Grievance and Ethics</i> menu, which may not be intuitive to some individuals.	prominently on the Texas Bar website.
2. <i>Are advertising and communication reviews logged and tracked accurately and timely through the new portal?</i>	Low	Generally Effective <u>Opportunity for Improvement</u> The Advertising Review Program Coordinator completes advertising reviews without need to refer to the Advertising Review Rules, due to her institutional knowledge. However, newer staff may benefit from the use of a checklist to mark which areas of the review have been performed and whether they are compliant/non-compliant.	None Consider creating an Advertising Review checklist to document the performance of advertising reviews and indicate specifically where areas are compliant/non-compliant. This would help newer staff ensure reviews were complete and accurate. Such a checklist would also help identify all areas of non-compliance for concise communications with the submitting attorneys.
3. <i>Have staff reviewed and updated their documented processes with regards to the implementation of their new advertising review system?</i>	Low	Generally Effective <u>Opportunity for Improvement</u> While requirements for the performance of the Advertising Review process are established, operational procedures are informal, which may lead to inconsistencies in performance and loss of institutional knowledge in the event of personnel changes.	None Document operating procedures to define the Advertising Review processes to ensure consistent performance and that institutional knowledge is maintained in the event of personnel changes.
4. <i>What education processes are in place to communicate advertising and communication rules?</i>	Low	Generally Effective <u>Opportunity for Improvement</u> Interpretive Comments for advertising and	None Update the Advertising Review web page to include interpretive comments relevant to



Focus Area Statement	Residual Risk Ranking	Control Effectiveness	Recommendation
		communicating rules are noted as 'coming soon' on the advertising review web page.	the new rules as planned.
5. <i>What processes are in place to ensure that information provided to the Advertising Review Committee are complete, accurate, relevant, and timely?</i>	Low	Generally Effective with Best Practice Processes	None
6. <i>Does SBOT's Client Attorney Assistance Program have the resources needed to ensure they can support communications between Texas lawyers and their clients when resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship?</i>	Low	Generally Effective	None
7. <i>Are the Grievance Information Helpline calls answered by CAAP logged, tracked, and monitored?</i>	Low	Generally Effective <u>Opportunity for Improvement</u> While requirements for the performance of CAAP processes are established, operational procedures are informal, which may lead to inconsistencies in performance and loss of institutional knowledge in the event of personnel changes.	Document operating procedures to define the CAAP processes to ensure consistent performance and that institutional knowledge is maintained in the event of personnel changes.
8. <i>Does CAAP have brochures, documents, or webpages that are updated and accurate to communicate general information about the legal system, disciplinary process, and the grievance process?</i>	Low	Generally Effective with Best Practice Processes	None
9. <i>Are CAAP activities logged, tracked, and reported?</i>	Low	Generally Effective with Best Practice Processes	None

Exhibit 2. Findings and Risk Rating Summary



Background

The Advertising Review Department was established to review attorney and law firm advertisements and solicitation communications for compliance with Rule VII of the Texas Disciplinary Rules of Professional Conduct (TXDRPC). Attorneys can submit advertisements and solicitation communications to the Advertising Review Department through the State Bar of Texas advertising review portal. Upon review, the advertising review personnel provide feedback to attorneys to ensure compliance and educate Texas lawyers on the requirements set forth in Rule VII. Additionally, the Advertising Review Department answers phone calls and emails regarding general questions about the advertising review process and Rule VII requirements.



Advertising Review
The Advertising Review Department reviews and approves an average of 160 advertisements and solicitations per month.

The Client-Attorney Assistance Program was established to assist Texas lawyers and their clients in resolving minor disputes by facilitating communications between the clients and attorneys. When minor disputes cannot be resolved, CAAP staff will assist clients in filing formal grievances. Additionally, CAAP staff answer phone calls and emails regarding the general dispute resolution process. **Exhibit 3** reflects the overall volume of calls, emails, and other communications CAAP staff receives each quarter. **Exhibit 4** indicates the number of calls, emails, and communications that resulted in the creation of a Dispute Resolution File (DRF) and Disciplinary Grievance Referrals (DGRs) sent to CAAP by the Office of the Chief Disciplinary Counsel (OCDC) each quarter. **Exhibit 5** indicates the percentage of closed DRFs and DGRs that were considered successful, meaning they resulted in effective communication between the client and attorney or resulted in a formal grievance.

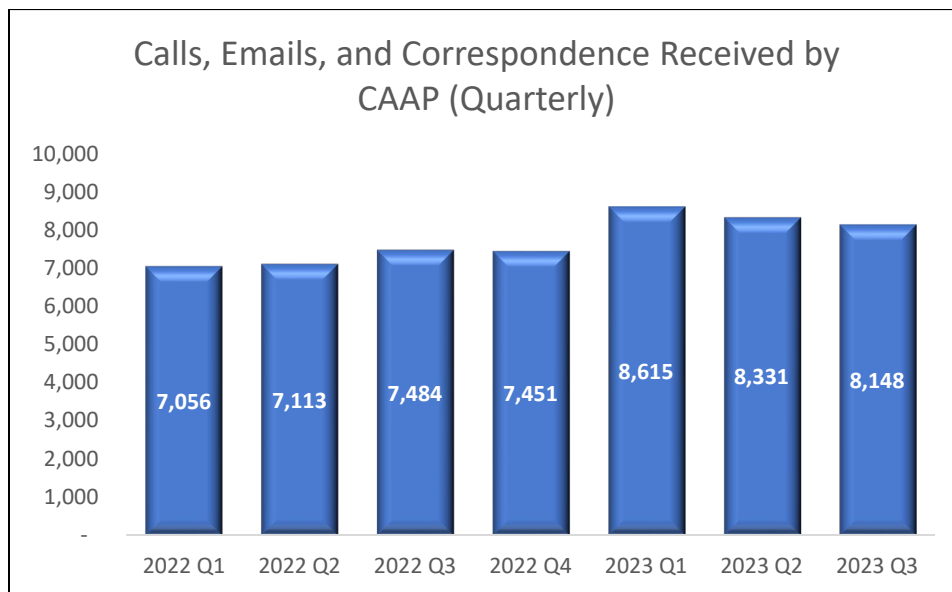


Exhibit 3: Quarterly CAAP Call Volume.

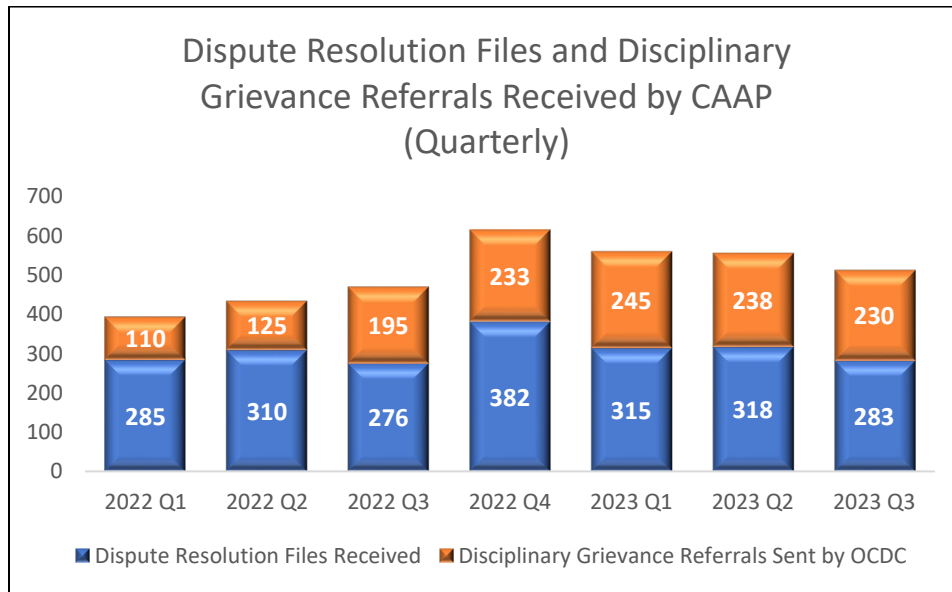


Exhibit 4: Dispute Resolution Files (DRFs) Received by CAAP and Disciplinary Grievance Referrals (DGRs) sent to CAAP from OCDC by quarter.

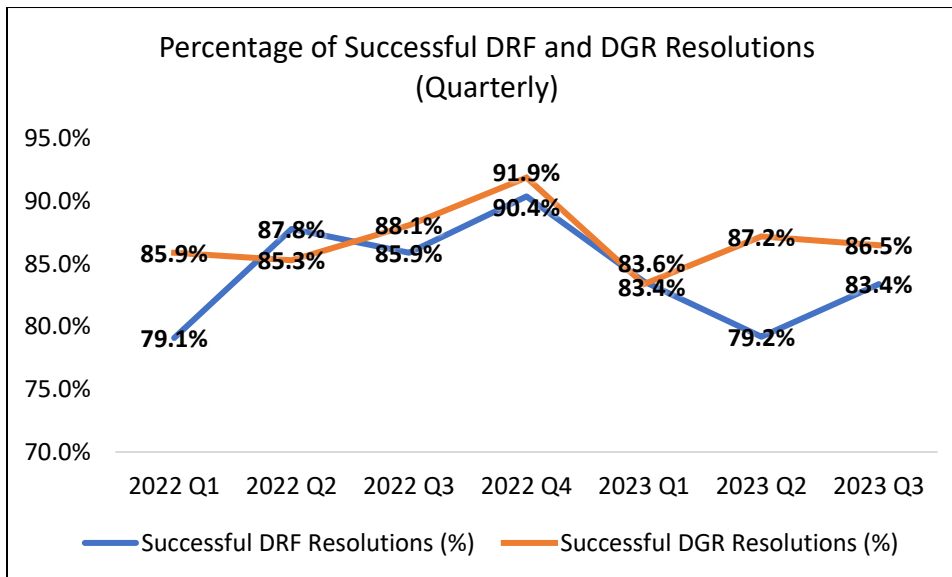


Exhibit 5. Percentage of successful DRFs and DGRs per quarter.

Detailed Findings and Management Response



This section of the report provides a detailed discussion of opportunities we noted during the audit along with recommendations to improve internal controls or the business process.



Business Objective #1: Attorney Assistance

Focus Area Statement

Are processes in place and effectively working to assist attorneys in their efforts to comply with Rule VII of the Disciplinary Rules of Professional Conduct?

Business Risk Rating (Residual): Low

Business Objective: To design and implement management controls and processes that ensure SBOT provides attorneys with assistance in their efforts to comply with Rule VII of the Texas Disciplinary Rules of Professional Conduct.

Control Rating: Generally Effective.

Finding Narrative:

Controls are generally effective to ensure that attorneys receive assistance in their efforts to comply with Rule VII of the Texas Disciplinary Rules of Professional Conduct.

SBOT provides attorneys with assistance in their efforts to comply with Rule VII of the Texas Disciplinary Rules of Professional Conduct by making the Texas Disciplinary Rules of Professional Conduct available to the public via the Texas Bar website, texasbar.com.

Additionally, SBOT has established an Advertising Review Committee that reviews advertisements submitted by attorneys to ensure compliance with Rule VII requirements. These reviews provide SBOT the opportunity to communicate potential violations to attorneys and provide insight on the specific areas of non-conformance, thereby supporting the ongoing education of attorneys.

The Advertising Review Committee is also responsible for fielding attorney questions through the advertising review email (adreview@texasbar.com) and telephone number (800-566-4616) which are also published online.

Criteria:	<ul style="list-style-type: none"> Tex. Disciplinary Rules of Professional Conduct, Rule VII
Effect/Risk/Impact:	Processes may not exist or may be ineffective at assisting attorneys in their efforts to comply with Rule VII of the Texas Disciplinary Rules of Professional Conduct.
Control Test(s):	<ol style="list-style-type: none"> Inquired of the Advertising Review Program Coordinator to determine the process in place for performing advertising reviews. Inspected the State Bar of Texas home page to determine how SBOT communicates Texas Disciplinary Rules of Professional Conduct requirements with attorneys. Observed the Advertising Review Program Coordinator performing an advertising review in the Customer Relationship Management (CRM) environment to determine how SBOT assists attorneys in their efforts to comply with Rule VII of the Texas Disciplinary Rules of Professional Conduct. Inspected the Advertising Review email inbox to determine how SBOT assists attorneys outside of specific advertising review case submissions.
Management Controls in Place:	<ol style="list-style-type: none"> SBOT has published the Texas Disciplinary Rules of Professional Conduct, along with frequently asked questions on the Texas Bar website. The SBOT advertising review portal allows attorneys to easily submit advertisements for review by the advertising review team. The advertising review team communicates with attorneys where advertisements are in violation of the established advertisement rules.



	4. The advertising review team responds to attorney questions regarding advertising rules via email and phone.
Findings /Opportunities:	<p><u>Findings:</u></p> <ul style="list-style-type: none"> No findings noted. <p><u>Opportunities for Improvement:</u></p> <ul style="list-style-type: none"> The links to the Texas Disciplinary Rules of Professional Conduct and the Advertising Review web page are nested under the <i>For Lawyers > Grievance and Ethics</i> menu, which may not be intuitive some individuals.
Root Cause:	<ul style="list-style-type: none"> Not applicable.
Recommended Actions:	<p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> Consider displaying the links for the Texas Disciplinary Rules of Professional Conduct and the Advertising Review web page more prominently on the Texas Bar website.

Management Response:

No response is required because controls are generally effective.

Business Objective #2: Advertising Review Tracking / Logging**Focus Area Statement**

Are advertising and communication reviews logged and tracked accurately and timely through the new portal?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes that ensure the new portal is used to log and track advertising and communication reviews timely and accurately.

Control Rating: Generally Effective with Best Practices Processes.

Finding Narrative:

Controls are generally effective to ensure that the new portal is used to log and track advertising and communication reviews timely and accurately.

SBOT has implemented an advertising review portal to ensure that all advertising and communication review requests are tracked and processed. The advertising review portal is integrated with Dynamics 365, SBOT's customer relationship management solution to ensure that all submitted requests are tracked. Advertising review personnel work in Dynamics 365 to ensure that all review documentation, communications, and overall status are tracked throughout the review.

Criteria:	<ul style="list-style-type: none"> Tex. Disciplinary Rules of Professional Conduct, Rule VII
Effect/Risk/Impact:	The new portal may not be used to log and track advertising and communication reviews timely and accurately.
Control Test(s):	<ol style="list-style-type: none"> Inquired of the Advertising Review Program Coordinator to determine how SBOT logs and tracks advertising and communication reviews and how the portal is used. Observed the Advertising Review Program Coordinator submitting an advertising review case in the advertising review portal to determine how advertising review cases are submitted, logged, and tracked. Inspected the advertising review customer relationship management (CRM) solution to determine where advertising review cases are logged and tracked.



	4. Observed the Advertising Review Program Coordinator perform an advertising review to determine how advertising review cases are logged and tracked through the review process.
Management Controls in Place:	<ol style="list-style-type: none"> 1. SBOT has implemented the Advertising Review Portal to allow attorneys to submit advertisements and communications for review. 2. The Advertising Review Portal interfaces with SBOT's CRM solution to ensure that all advertisements and communications are tracked throughout the review process.
Findings /Opportunities:	<p><u>Findings:</u></p> <ul style="list-style-type: none"> • No findings noted. <p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> • The Advertising Review Program Coordinator completes advertising reviews without need to refer to the Advertising Review Rules, due to her institutional knowledge. However, newer staff may benefit from the use of a checklist to mark which areas of the review have been performed and whether they are compliant/non-compliant.
Root Cause:	<ul style="list-style-type: none"> • Not applicable.
Recommended Actions:	<p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> • Consider creating an Advertising Review checklist to aid new staff performing advertising reviews. Provide clarity in decision making process when determining where areas or compliant/non-compliant. This would help newer staff ensure reviews were complete and accurate. Such a checklist would also help identify all areas of non-compliance for concise communications with the submitting attorneys.

Management Response:

No response is required because controls are generally effective.

Business Objective #3: Advertising Review Processes

Focus Area Statement

Have staff reviewed and updated their documented processes with regard to the implementation of their new advertising review system?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes that ensure SBOT staff have reviewed and/or updated their documented processes to reflect the new advertising review system.

Control Rating: Generally Effective.

Finding Narrative:

Controls are generally effective to ensure that SBOT staff have reviewed and/or updated their documented processes to reflect the new advertising review system.

SBOT has updated descriptions of the advertising review procedures on the advertising review portal, which includes links to the advertising review portal user guide and how-to videos for individuals to reference while using the new advertising review system.



The criteria used in the performance of advertising reviews are specified in the Texas Disciplinary Rules of Professional Conduct, Rule VII. Specifically, Rule VII defines the elements which must be present in advertisements and solicitations and those elements that are prohibited from being included in advertisements and solicitations.

Criteria:	<ul style="list-style-type: none"> Texas Disciplinary Rules of Professional Conduct, Rule VII.
Effect/Risk/Impact:	Staff may not have reviewed and/or updated their documented processes to reflect the new advertising review system.
Control Test(s):	<ol style="list-style-type: none"> Inquired of the Advertising Review Program Coordinator to determine whether SBOT has reviewed and/or updated their documented processes to reflect the new advertising review system. Inspected the Advertising Review portal to determine whether documented procedures reflect the use of the new advertising review portal.
Management Controls in Place:	<ol style="list-style-type: none"> SBOT has updated descriptions of the advertising review procedures on the advertising review portal. The Advertising Review Department staff uses the criteria established in Texas Disciplinary Rules of Professional Conduct, Rule VII to perform advertising reviews in the new advertising review system.
Findings /Opportunities:	<p><u>Finding:</u></p> <ul style="list-style-type: none"> No findings were noted. <p><u>Opportunity for Improvements:</u></p> <ul style="list-style-type: none"> While requirements for the performance of the advertising review processes are established, operational procedures are informal, which may lead to inconsistencies in performance and loss of institutional knowledge in the event of personnel changes.
Root Cause:	<ul style="list-style-type: none"> Not applicable.
Recommended Actions:	<p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> SBOT should document, review, and approve formal operating procedures to establish requirements related to the advertising review processes to ensure that institutional knowledge is maintained in the event of personnel changes.

Management Response:

No response is required because controls are generally effective.

Business Objective #4: Rule Education and Communication

Focus Area Statement

What education processes are in place to communicate advertising and communication rules?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes to ensure an education process exists and is effective at communicating advertising and communication rules.

Control Rating: Generally Effective.

Finding Narrative:



Controls are generally effective to ensure that attorneys are educated about advertising and communication rules.

SBOT has processes in place to effectively educate attorneys about the advertising and communication rules. Specifically, SBOT provides links to the Texas Disciplinary Rules of Professional Conduct on the Texas Bar website. The Advertising Review Department also communicates directly with attorneys through the advertising review notification process and through phone calls and emails they receive to clarify Rule VII requirements. Additionally, the Attorney Compliance Director has conducted MCLE presentations to attorneys at conferences.

Criteria:	<ul style="list-style-type: none"> • Texas Disciplinary Rules of Professional Conduct, Rule VII
Effect/Risk/Impact:	An education process may not exist or may be ineffective at communicating advertising and communication rules.
Control Test(s):	<ol style="list-style-type: none"> 1. Inspected the State Bar of Texas website home page to determine how SBOT communicates advertising and communication rules with attorneys. 2. Inquired of the Advertising Review Program Coordinator to determine the processes in place to communicate advertising and communication rules. 3. Observed the Advertising Review Coordinator processing an advertising review in the advertising review CRM environment to determine how violations of advertising and communications rules are communicated with attorneys who have submitted advertisements for review. 4. Inspected the advertising review email inbox to determine how SBOT addresses specific questions regarding advertising and communicating rules with attorneys. 5. Inspected the Attorney Advertising Revised Rules/Revised Filing presentation used by SBOT to educate attorneys on rules changes and filing processes.
Management Controls in Place:	<ol style="list-style-type: none"> 1. SBOT has published the Texas Disciplinary Rules of Professional Conduct, along with frequently asked questions on the Texas Bar website. 2. The SBOT advertising review portal provides information about the advertising and communication rules and published opinions. SBOT also plans to publish interpretive comments on the rules on the advertising review portal. 3. The SBOT advertising review process allows SBOT to communicate violations and clarify advertising and communication rules with attorneys. 4. The advertising review team responds to attorney questions regarding advertising rules via email and phone. 5. SBOT presents MCLE presentation at conferences to educate attorneys about the advertising and communication rules and how to submit an advertising review request.
Findings /Opportunities:	<p><u>Findings:</u></p> <ul style="list-style-type: none"> • No findings were noted. <p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> • Interpretive Comments for advertising and communicating rules are noted as "coming soon" on the advertising review web page.
Root Cause:	<ul style="list-style-type: none"> • Not applicable.
Recommended Actions:	<p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> • Update the advertising review web page to include interpretive comments relevant to the new rules as planned.

Management Response:

No response is required because controls are generally effective.



Business Objective #5: Completeness and Accuracy of Advertising review Data

Focus Area Statement

What processes are in place to ensure that information provided to the Advertising Review Committee is complete, accurate, relevant, and timely?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes to ensure that processes exist and are effective to ensure that information provided to the Advertising Review Committee is complete, accurate, relevant, and timely.

Control Rating: Generally Effective with Best Practice Processes.

Finding Narrative:

Controls are generally effective to ensure that information provided to the Advertising Review Committee is complete, accurate, relevant, and timely.

SBOT has implemented input validation on the advertising review portal to ensure that data captured in the advertising submission process is complete and accurate, prior to review by the Advertising Review Committee. This information is stored directly in the Advertising Review Committee’s CRM solution, Dynamics 365 to ensure that all submitted information is maintained with that case record throughout the review process.

Criteria:	<ul style="list-style-type: none"> Texas Disciplinary Rules of Professional Conduct, Rule VII.
Effect/Risk/Impact:	Processes may not exist or may be ineffective at ensuring that information provided to the Advertising Review Committee is complete, accurate, relevant, and timely.
Control Test(s):	<ol style="list-style-type: none"> Inquired of the Advertising Review Program Coordinator to determine how SBOT ensures that information provided to Advertising Review Committee is complete, accurate, relevant, and timely. Inspected the advertising review portal to determine how information is provided to the Advertising Review Committee. Observed the Advertising Review Program Coordinator submit an advertising review case in the advertising review portal to determine how advertising review information is entered into the system.
Management Controls in Place:	<ol style="list-style-type: none"> SBOT has implemented input validation on the advertising review portal to ensure that data captured in the advertising submission process is complete and accurate, prior to review by the Advertising Review Committee. SBOT has implemented a CRM solution, Dynamics 365, which integrates with the advertising review portal to ensure that all captured data is maintained with the advertising review case record throughout the review process.
Findings /Opportunities:	<p><u>Findings:</u></p> <ul style="list-style-type: none"> No findings were noted.
Root Cause:	<ul style="list-style-type: none"> Not applicable.
Recommended Actions:	<ul style="list-style-type: none"> None made.

Management Response:

No response is required because controls are generally effective.



Business Objective #6: CAAP Resource Allocation

Focus Area Statement

Does SBOT's Client Attorney Assistance Program have the resources needed to ensure they can support communications between Texas lawyers and their clients when resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes to ensure that Client-Attorney Assistance Program (has the resources needed to support communications between Texas lawyers and their clients when resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship.

Control Rating: Generally Effective.

Finding Narrative:

Controls are generally effective to ensure that Client-Attorney Assistance Program has the resources needed to support communications between Texas lawyers and their clients when resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship.

CAAP staff process requests to facilitate communications between Texas lawyers and their clients when resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship. In Q4 CAAP had an 85 percent or greater success rate on resolutions for both DRF (Dispute Resolution Form) and DGR (Disciplinary Grievance referral). Additionally, Client/Attorney Assistance Program Caller Survey results from September 2022 through February 2023 indicated respondents were satisfied with the assistance or information provided by CAAP.

Criteria:	<ul style="list-style-type: none"> • Tex. Government Code §81.072 General Disciplinary and Disability Procedures. • Tex. Disciplinary Rules of Professional Conduct, Rule VII.
Effect/Risk/Impact:	CAAP may not have the resources needed to ensure they can support communications between Texas lawyers and their clients when resolving minor concerns, disagreements, or misunderstandings that are impacting the attorney-client relationship.
Control Test(s):	<ol style="list-style-type: none"> 1. Inquired of the Client-Attorney Assistance Program Director. 2. Inspected the Q1 2022 – Q3 2023 Quarterly Summary Reports. 3. Inspected the Sept. 2022 – Feb. 2023 customer survey responses.
Management Controls in Place:	<ol style="list-style-type: none"> 1. SBOT has established a process for handling Requests for Assistance to resolve minor issues. 3. SBOT has established a process for handling Disciplinary Grievance Referrals to resolve issues that result in the filing of a formal grievance with the Office of the Chief Disciplinary Counsel. 4. SBOT has assigned responsibility for the processing of Requests for Assistance and Disciplinary Grievance Referrals to dedicated staff. 5. SBOT management monitors DRF and DGR resolution through the use of quarterly summary reports. 6. SBOT monitors customer satisfaction through surveys.
Findings /Opportunities:	<p><u>Findings:</u></p> <ul style="list-style-type: none"> • No findings were noted.



Root Cause:	<ul style="list-style-type: none"> Not applicable.
Recommended Actions:	<ul style="list-style-type: none"> None made.

Management Response:

No response is required because controls are generally effective.

Business Objective #7: CAAP Call Monitoring**Focus Area Statement**

Are the Grievance Information Helpline calls answered by CAAP logged, tracked, and monitored?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes to ensure that processes exist and are effective at logging, tracking, and monitoring grievance information helpline calls answered by CAAP personnel.

Control Rating: Generally Effective.

Finding Narrative:

Controls are generally effective to ensure that grievance information helpline calls answered by CAAP are logged, tracked, and monitored.

SBOT has implemented processes for the logging, tracking, and monitoring of calls placed to the grievance information helpline. Specifically, CAAP personnel enter request information into the CAAP database when a completed Request for Assistance form or Disciplinary Grievance Referral is received.

Criteria:	<ul style="list-style-type: none"> Texas Government Code §81.072 General Disciplinary and Disability Procedures. Texas Disciplinary Rules of Professional Conduct, Rule VII.
Effect/Risk/Impact:	Processes may not be in place and/or may not be effective to assure grievance information helpline calls answered by CAAP are logged, tracked, and monitored.
Control Test(s):	<ol style="list-style-type: none"> Inquired of the Client-Attorney Assistance Program Director. Inspected the Q1 2022 - Q3 2023 Quarterly Summary Reports.
Management Controls in Place:	<ol style="list-style-type: none"> SBOT has assigned responsibility for answering grievance information helpline calls to CAAP personnel. SBOT uses quarterly summary reports to monitor CAAP related calls.
Findings /Opportunities:	<p><u>Findings:</u></p> <ul style="list-style-type: none"> No findings were noted. <p><u>Opportunity for Improvement:</u></p> <ul style="list-style-type: none"> While requirements for the performance of CAAP processes are established, operational procedures are informal, which may lead to inconsistencies in performance and loss of institutional knowledge in the event of personnel changes.
Root Cause:	<ul style="list-style-type: none"> Not applicable.



Recommended Actions:	<u>Opportunity for Improvement:</u> <ul style="list-style-type: none"> SBOT should document, review, and approve formal operating procedures to establish requirements related to CAAP processes to ensure that institutional knowledge is maintained in the event of personnel changes.
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Management Response:

No response is required because controls are generally effective.

Business Objective #8: CAAP Awareness and Information

Focus Area Statement

Does CAAP have brochures, documents, or webpages that are updated and accurate to communicate general information about the legal system, disciplinary process, and the grievance process?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes that ensure brochures, documents, or webpages which communicate general information about the legal system, disciplinary process, and the grievance process, are accurate and up to date.

Control Rating: Generally Effective.

Finding Narrative:

Controls are generally effective to ensure that brochures, documents, or webpages which communicate general information about the legal system, disciplinary process, and the grievance process, are accurate and up to date.

SBOT primarily communicates general information about the legal system, the disciplinary process, and the grievance process through the State Bar of Texas Home Page (www.texasbar.com), which was updated as of March 2023. Additionally, SBOT has developed brochures, which are available in print at the SBOT offices in Austin and on the Texas Bar website.

Criteria:	<ul style="list-style-type: none"> Best Practice.
Effect/Risk/Impact:	Brochures, documents, or web pages may not be updated or may not be accurate to communicate general information about the legal system, disciplinary process, and the grievance process.
Control Test(s):	<ol style="list-style-type: none"> Inquired of the Client-Attorney Assistance Program Director. Inspected the State Bar of Texas Home Page and relevant pages. Inspected the CAAP Brochure.
Management Controls in Place:	<ol style="list-style-type: none"> SBOT primarily communicates general information about the legal system, the disciplinary process, and the grievance process through the State Bar of Texas Home Page (www.texasbar.com), which was updated as of March 2023. SBOT publishes brochures that describe the CAAP program and how to file requests for assistance and how to file a grievance.
Findings /Opportunities:	<u>Findings:</u> <ul style="list-style-type: none"> No findings were noted.
Root Cause:	<ul style="list-style-type: none"> Not applicable.



Recommended Actions:	<ul style="list-style-type: none"> • None made.
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Management Response:

No response is required because controls are generally effective.

Business Objective #10: CAAP Activity Reporting

Focus Area Statement

Are CAAP activities logged, tracked, and reported?

Business Risk Rating (Residual): Low

Business Objective: To implement and maintain management controls and processes to ensure that CAPP activities are logged, tracked, and reported.

Control Rating: Generally Effective with Best Practice Processes.

Finding Narrative:

Controls are generally effective to ensure that CAPP activities are logged, tracked, and reported.

SBOT has implemented processes to log, track, and report on CAAP activities that include the use of a tracking database, the monitoring of that database by the Program Director, and the generation and review of quarterly summary reports to determine the status of dispute resolution and grievance activities. Additionally, customer service surveys are reviewed and summarized to determine overall customer satisfaction with the Program’s services.

Criteria:	<ul style="list-style-type: none"> • Texas Government Code §81.072 General Disciplinary and Disability Procedures. • Texas Disciplinary Rules of Professional Conduct, Rule VII.
Effect/Risk/Impact:	CAAP activities may not be logged, tracked, and/or reported.
Control Test(s):	<ol style="list-style-type: none"> 1. Inquired of the Client-Attorney Assistance Program Director to determine the processes in place to log, track, and report CAAP activities. 2. Inspected the Q1 2022 – Q3 2023 Quarterly Summary Reports quarterly summary documents to determine trends logged, tracked, and reported CAAP activities. 3. Inspected the current CAAP reported numbers as of March 10, 2023, to determine the current number of open Disciplinary Grievance Referrals and Dispute Resolution Files. 4. Inspected the CAAP RFA form and checklist to determine the information provided.
Management Controls in Place:	<ol style="list-style-type: none"> 1. Client Attorney Assistance Program personnel track program activities, including dispute resolution activities, in an Access database. 2. The CAAP Director monitors the Access database to ensure that all CAAP activities are logged and tracked to resolution. 3. Quarterly activity summaries are generated and reviewed to determine the status of dispute resolutions and grievances submitted. 4. Customer service surveys are distributed and reviewed to determine overall customer satisfaction of the Program’s services.



Findings /Opportunities:	<u>Findings:</u> <ul style="list-style-type: none">• No findings were noted.
Root Cause:	<ul style="list-style-type: none">• Not applicable.
Recommended Actions:	<ul style="list-style-type: none">• None made.

Management Response:

No response is required because controls are generally effective.