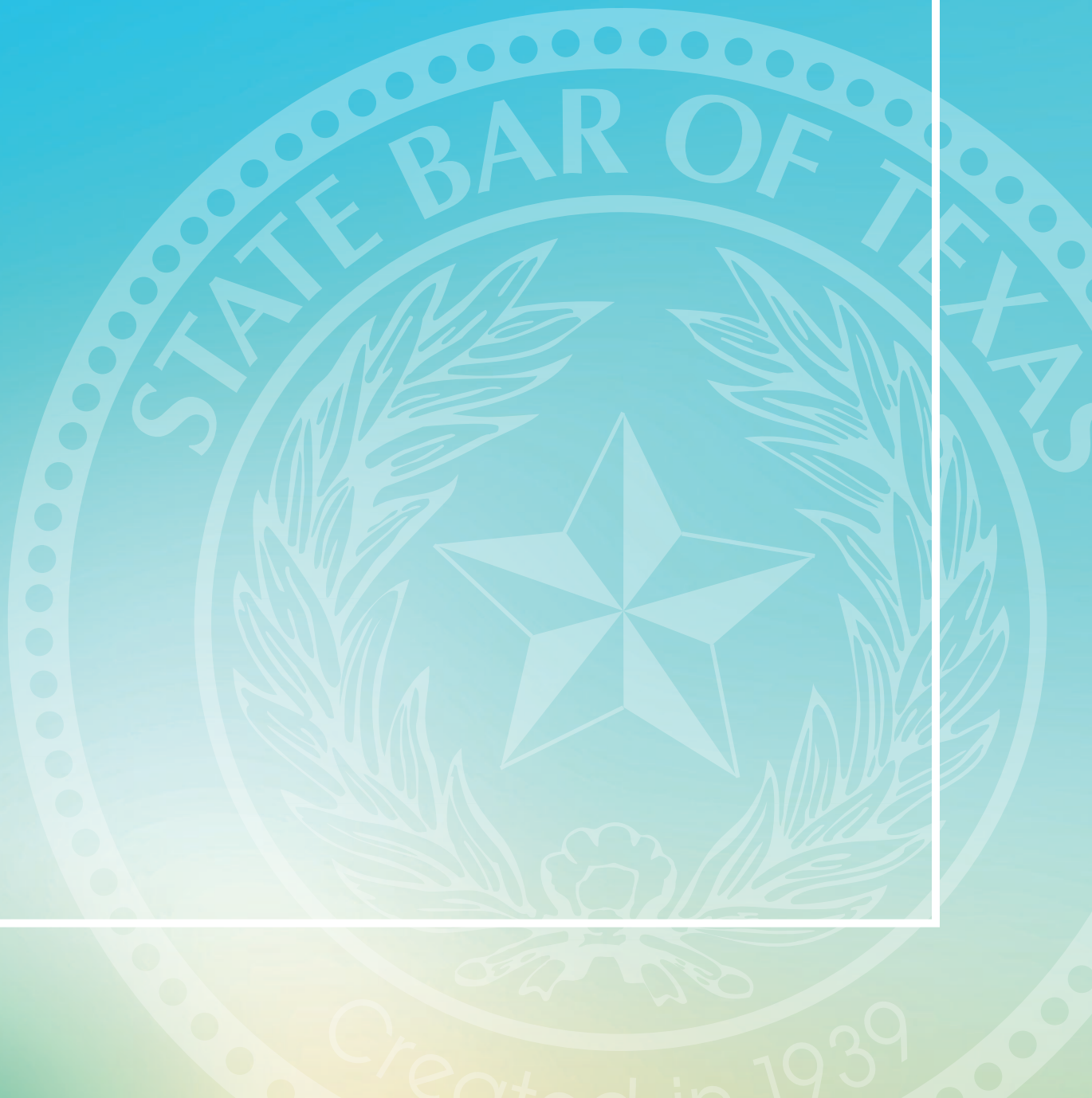


STATE BAR *of* TEXAS

ANNUAL REPORT 2019-2020



We've seen it many times before. A disaster hits and lawyers step up to meet it head-on. Name any major crisis, and Texas lawyers have been there to solve problems, to help each other, and to serve their fellow Texans.

Today, amid the COVID-19 pandemic, lawyers who are busy managing their own lives and practices are still selflessly volunteering their services. Firms are offering pro bono help for small-business owners applying for disaster loans or laid-off workers seeking unemployment benefits. Local bar associations are helping organize virtual legal clinics, virtual food drives for community pantries, and virtual supply drives for senior centers.



The Texas Supreme Court has continued its work with remote oral arguments and videoconferences, while responding to the evolving needs of our state with a series of emergency orders. The Office of Court Administration quickly equipped judges throughout the state with Zoom licenses to enable remote video proceedings and continues to provide critical guidance on court procedures.

Texas' legal services and access to justice organizations have joined with the State Bar of Texas to help low-income Texans with civil legal problems resulting from the pandemic. These partners are promoting the State Bar's statewide disaster legal assistance hotline—800-504-7030—which connects callers with local legal aid lawyers who can advise them on issues including bankruptcy and debt collection, unemployment applications and appeals, mortgage or foreclosure issues, and landlord-tenant problems.

Many individual lawyers have stepped up to serve through the State Bar and its sections and committees by producing free CLE webcasts and other resources. The Texas Lawyers' Assistance Program team has worked diligently to make sure lawyers have the emotional support and well-being resources they need. From hosting Remote Well-Being Wednesdays on Zoom to collecting remote living resources at texasbar.com/coronavirus, the TLAP team is providing a vital service to our profession.

The State Bar's Austin-based staff and regional disciplinary counsel employees have been working hard—all remotely, through telework—to help ensure the administration of the legal system continues and that Texas lawyers have the tools and guidance they need to carry on their practices. I thank them for their dedication.

To all members of the State Bar of Texas, I offer my gratitude as you continue to diligently serve your clients and defend the rule of law amid the COVID-19 crisis. Remember to be kind to each other and to take care of yourselves, and we will meet these new challenges together.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Apffel". The signature is fluid and stylized, with a large, sweeping flourish at the end.

Trey Apffel
Executive Director
State Bar of Texas



2019-2020 ACHIEVEMENTS

As president of the State Bar of Texas in 2019-2020, Houston trial lawyer Randy Sorrels worked to ensure the bar remained an organization “of the lawyers, by the lawyers, and for the lawyers” of Texas while also meeting its responsibilities to serve the public. Sorrels joined with the State Bar board and staff to offer new or expanded member benefits and discounts for travel, law practice management, insurance, technology, and other services that help lawyers more effectively serve their

clients. Sorrels also helped roll out new or improved member services, including QR codes to simplify MCLE reporting and a portal to help lawyers easily designate custodian attorneys to wind down their practices in the event of need. Sorrels also worked to enhance communication with members by taking his “30 Member Benefits in 30 Short Minutes” CLE presentation to lawyer groups across the state. These efforts—along with new ideas, innovations, and improvements from State Bar members—helped make lawyers’ professional and personal lives better.



MANDATORY BAR LITIGATION

The State Bar of Texas continued to uphold its statutory structure as defendants in the *McDonald vs. Sorrels* litigation. In May 2020, U.S. District Judge Lee Yeakel issued a ruling in favor of the bar, which the plaintiffs appealed. The case is before the 5th Circuit Court of Appeals in New Orleans, along with a similar lawsuit against the mandatory bar in Louisiana.

Almost six decades of U.S. Supreme Court precedent supports the constitutionality of the unified bar structure, which was reinforced by the decisions of the court in 2020 to deny the plaintiffs’ petitions for certiorari in *Fleck v. Wetch* and *Jarchow v. State Bar of Wisconsin* challenging mandatory membership in the state bars of North Dakota and Wisconsin. The State Bar of Texas is carrying out its statutory obligations by regulating the legal profession and improving the quality of legal services in Texas.

STATE BAR OF TEXAS MISSION STATEMENT

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.

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WHAT WE DO

LAW PRACTICE MANAGEMENT

The State Bar of Texas offers tools to help attorneys grow their practices. One is the Lawyer Referral and Information Service, which connects clients in need of legal representation with attorneys who can help. LRIS makes referrals in the 246 Texas counties that do not have local referral programs and offers participating attorneys access to the largest potential client pool possible. Callers to the service are given a 30-minute consultation with a participating attorney for \$20, with the attorney charging regular fees afterward if retained. LRIS attorney-members receive 20% off TexasBarCLE products and services. The bar also offers the Texas Bar Career Center, which is an online portal for both employers and job seekers. Visit the Career Center to post open positions or search online for legal-related jobs. Every other week, State Bar of Texas members receive a Job Flash featuring the latest jobs posted to the Career Center. The State Bar's Law Practice Resources Division created a new website, Texas Bar Practice, which will launch in summer/fall 2020 and provide law practice management tools in addition to housing Texas Bar Books and Texas Bar Books Online resources. For client protection and emergency management, the State Bar launched a portal through which lawyers can designate a custodian attorney in the event need arises.

COMMUNICATIONS

The bar keeps members informed in a variety of ways. Each month, except a combined issue of July/August, members receive the *Texas Bar Journal*, which includes information and in-depth stories on current legal topics, human interest features, disciplinary actions, technology, and more. It can also be viewed online at texasbar.com/tbj or via the digital edition at texasbar.com/digitaltbj. Members and the public can follow the bar on Facebook, Twitter, LinkedIn, and Instagram for timely announcements on lawyers in the news, reminders about their membership, links to special articles, and information about events. The Texas Bar Blog provides more information about special events, award recipients, *Bar Journal* summaries, and attorney profiles, while Texas Bar Today offers curated legal news and commentary by Texas lawyer-bloggers. Finally, the *State Bar of Texas Podcast* showcases interviews with experts on the latest legal trends and hot topics.

CONTINUING LEGAL EDUCATION

TexasBarCLE is one of the top providers of continuing legal education in the country and often sets the national standard for CLE content and delivery. During the 2019-2020 bar year, TexasBarCLE offered 190 webcasts, 1,295 online classes, 85 live courses, and 48 video replays. Most programs are recorded and archived for online viewing, with more than 2,700 hours available as online classes. Also, more than 27,000 CLE articles are featured in the online library, including 2,400 ethics-related articles.

EDUCATING THE PUBLIC

The State Bar, the Texas Young Lawyers Association, and the bar's Law-Related Education Department publish, in print and online, dozens of handbooks and pamphlets in both English and Spanish on such topics as health issues, senior citizen issues, employment law, veterans rights, family law, school law, and consumer and tenants rights (see texasbar.com/resources, tyla.org/resources, and texaslre.org). Law-Related Education holds teacher workshops and publishes educational materials about the law and civics for teachers and students. To learn more, go to texaslre.org.

EDUCATING YOUNG LAWYERS

In addition to providing continuing legal education for all lawyers, the bar plays an important role in educating young lawyers, helping them build a strong foundation for law practices. Programs include: After the Bar Exam, which offers links to more than 2,000 hours of CLE online classes and access to other helpful resources for students who have graduated from law school and are awaiting the results of the bar exam, and the Texas Young Lawyers Association's *Ten Minute Mentor*, a collection of 10-minute online videos of lawyers offering practical advice or tips on specific legal topics. Also, 38 State Bar sections offer free memberships for young lawyers (defined as lawyers licensed two years or less) and 19 sections offer free memberships to law students. Sections often participate in mentoring programs for law students and sponsor CLE programs at Texas law schools, which students are allowed to attend for free. Finally, the State Bar of Texas Law Student Division provides an avenue for law students to connect to the bar before graduating—offering educational, networking, and scholarship opportunities.

WHAT WE DO

ETHICS HELPLINE

The Ethics Helpline at 800-532-3947 is a free benefit to attorney-members of the State Bar of Texas. Ethics attorneys provide non-binding, non-confidential guidance to Texas-licensed attorneys on a first-come, first-served basis. Guidance is limited to questions involving the Texas Disciplinary Rules of Professional Conduct, Texas Rules of Disciplinary Procedure, and ethics opinions. Some caselaw and additional resources are also provided.

LEGAL SERVICES FOR ALL TEXANS

The State Bar of Texas is committed to ensuring that all Texans have access to justice regardless of income. The State Bar's Legal Access Division works to achieve this goal by providing resources such as malpractice insurance, Westlaw, CLE, and language access services to legal aid organizations and pro bono attorneys; striving to remove barriers to pro bono service; and partnering with legal aid organizations on disaster preparedness and response efforts. The Legal Access Division also assists the public by providing information and referrals to low-income Texans. For more information, go to texasbar.com/probono and probonotexas.org.

LOCAL BAR SERVICES

The Local Bar Services Department fosters and maintains relationships between the State Bar and local bar associations, offering a number of support services. Each year, the Bar Leaders Conference offers education and networking for local bar executives, young lawyer affiliates, and other volunteer leaders. Outreach to local bars helps to fulfill one of the purposes outlined in the State Bar Act.

MEMBER BENEFITS

The State Bar of Texas Member Benefits Program offers numerous resources to help attorneys with the everyday practice of law. In the 2019-2020 bar year, 60 contracted benefits were offered through the State Bar Member Benefits Program. Goods and services include lawyer-specific products like practice management tools, financial services, travel discounts, car rentals, office supplies, health insurance through the Texas Bar Private Insurance Exchange, and professional liability insurance through TLIE. Learn more about the offerings at texasbar.com/benefits.

PROTECTING THE PUBLIC

The Client-Attorney Assistance Program answers the Grievance Information Helpline to assist clients in communicating with their Texas attorneys and to provide information about the grievance process and other programs and services of the State Bar of Texas. The Texas attorney discipline system is administered by the Office of Chief Disciplinary Counsel, whose work is overseen by the Commission for Lawyer Discipline. CDC represents the commission in disciplinary litigation. In the 2019-2020 bar year, the Ethics Helpline returned approximately 5,500 calls, and the State Bar disciplinary system issued a total of 403 sanctions, resolving 497 complaints. Also, the Client Security Fund assists clients whose lawyers improperly take funds belonging to the clients. Clients can apply to the fund after disciplinary proceedings are completed. Payouts are funded through an annual appropriation from the bar, interest on the corpus, and any restitution received. In the 2019-2020 bar year, 230 applications were reviewed, resulting in grants totaling \$871,782.89.

TEXAS LAWYERS' ASSISTANCE PROGRAM

The Texas Lawyers' Assistance Program helps lawyers, judges, and law students who are struggling with mental health or substance use concerns, chronic stress, or cognitive decline. In the 2019-2020 bar year, TLAP handled 877 consultations. All communication with TLAP is confidential by statute. For more information, go to tlaphelps.org.

TEXAS LAWYERS FOR TEXAS VETERANS

Texas Lawyers for Texas Veterans, a State Bar of Texas program to develop and assist pro bono legal advice clinics for military veterans and their families, continues to thrive, and more than 25 local bar associations are now participating. Since its inception in 2010, over 32,000 veterans have been served by more than 11,000 volunteer attorneys, paralegals, and law students. For more information, go to texasbar.com/veterans.

BY THE NUMBERS

The State Bar of Texas adopts a strategic plan every two years that includes goals and performance measures. The State Bar has identified six broad categories guiding these measures: 1) Service to the Public; 2) Service to Members; 3) Protection of the Public; 4) Access to Justice; 5) Sound Administration and Resources; and 6) Financial Management. The following are highlights of the results and outcomes for the 2019-2020 bar year. For a full list of results, go to texasbar.com/performance-measures-numbers.

SERVICE TO THE PUBLIC

Number of people who received a referral through the Lawyer Referral and Information Service:

56,445
CALLERS HELPED

64,177
REFERRALS MADE

Visits to pages on State Bar-related websites containing legal information on issues of importance to the public:

20,018,930
TOTAL HITS
TEXASBAR.COM

4,263
PAGE HITS
TEXASBAR.COM/DISASTER

24,706
PAGE HITS
TEXASBAR.COM/RESOURCES

SERVICE TO MEMBERS

TexasBarCLE

158,581

registrations obtained through **1,618** continuing legal education offerings



TEXAS LAWYERS'
ASSISTANCE PROGRAM
Confidential. Respectful. Voluntary.

877
CONSULTATIONS

63% were related to mental health, **34%** to substance use, and **3%** to cognitive issues. TLAP's website—tlaphelps.org—garnered **19,893** page views. TLAP made **140** educational outreach presentations, including at law schools.

PROTECTION OF THE PUBLIC

= CAAP =
CLIENT-ATTORNEY
ASSISTANCE PROGRAM

22,664

contacts received via mail, email, and phone to CAAP program. Communications between attorney and client successfully reestablished in **87%** of cases.

| ATTORNEY DISCIPLINE (CDC) | |
|----------------------------|------------|
| Total complaints resolved | 497 |
| Total sanctions | 403 |
| Disbarments | 21 |
| Resignations | 9 |
| Suspensions | 142 |
| Public reprimands | 39 |
| Private reprimands | 106 |
| Grievance Referral Program | 86 |

ACCESS TO JUSTICE



\$1,302,313

The amount of voluntary ATJ contributions through dues statements from **9,582** attorneys

STATE BAR RESPONDS TO COVID-19

In the spring of 2020, COVID-19 wreaked havoc across the globe. In the U.S., cities and states began to issue stay-at-home orders, and the State Bar of Texas quickly mobilized to continue its efforts to assist members and serve the public. The State Bar's offices temporarily closed to visitors, and the Austin-based staff and regional disciplinary counsel employees began working remotely to help ensure the administration of the legal system continued and that Texas lawyers had the tools and guidance they needed to carry on their practices. Throughout this time, the State Bar remained fully operational, providing services to its members. One such service is a webpage titled "State Bar of Texas Response to Coronavirus Pandemic," which provides a plethora of information, including the following highlights:

1. MCLE and Dues Extensions—The State Bar of Texas granted extensions for dues payment and MCLE compliance deadlines.

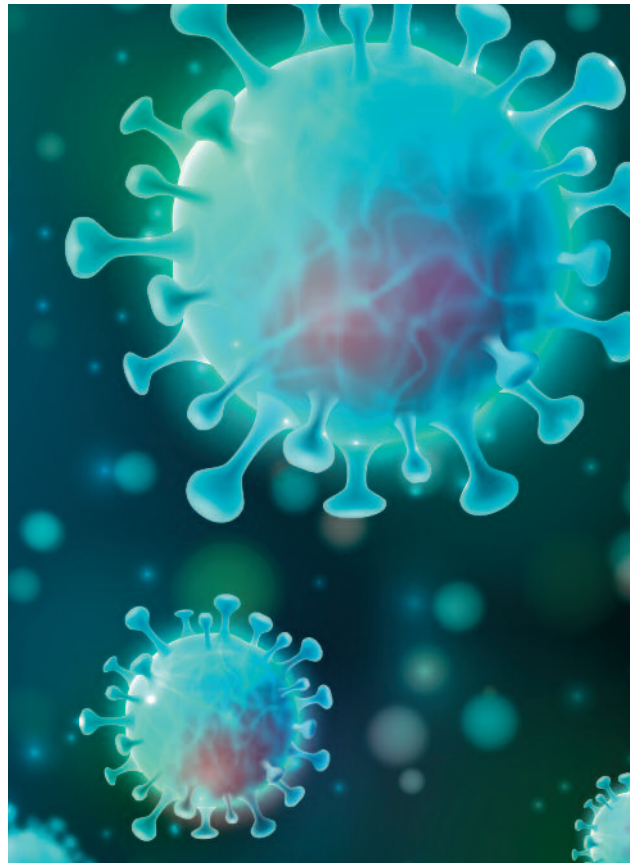
2. Court Guidance—The Texas Supreme Court and Court of Criminal Appeals have issued numerous emergency orders and the Office of Court Administration has issued guidance on court closures, procedures, and travel authorizations.

3. Free Webinars and CLE Opportunities—The State Bar offered 5.5 hours of free CLE on the TexasBarCLE website, including webcasts related to the coronavirus.

4. Telehealth—For a limited time, the Texas Bar Private Insurance Exchange offered all State Bar members a complimentary subscription to telehealth services, with only a \$10-per-visit copay. The complimentary period expired June 30, but members interested in the telehealth service can purchase an ongoing subscription for \$9 per month.

5. Relevant Educational Materials and Helpful Family Law and Estate Planning Items—The State Bar has been collecting podcasts and articles related to the coronavirus and how it affects the legal profession as well as providing resources for estate planning execution and family law issues.

6. Well-Being Resources—Texas Lawyers' Assistance Program professionals created a webpage of resources to assist the many attorneys, law students, judges, and families who may be isolated and struggling with a mental health issue or needing recovery support. TLAP professionals also produced a weekly video series focused on remote living and well-being.



After careful consideration, the State Bar canceled the in-person 2020 Annual Meeting scheduled for June 25-26 in Dallas and replaced it with the 2020 State Bar of Texas Annual Meeting On Demand, a two-day virtual event that featured 25 sessions of up to 8 hours of video-on-demand CLE. State Bar sections provided programming on Thursday, which featured pre-recorded seminars. Friday's content included a welcome message from the executive director, swearing-in ceremonies, an awards presentation, and a CLE seminar on well-being led by the Texas Lawyers' Assistance Program.

STATE BAR OF TEXAS

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2019 - 2020

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