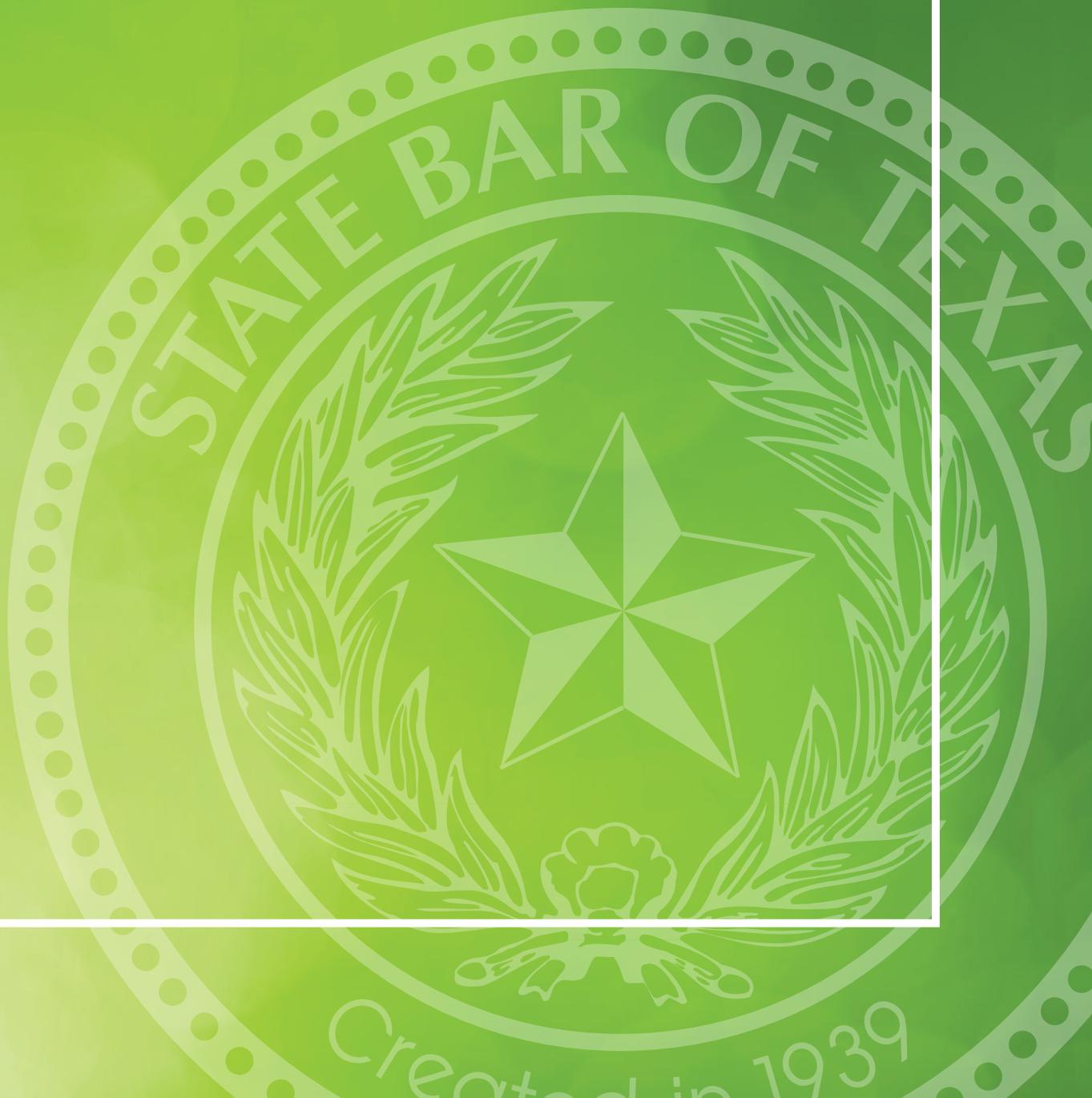


STATE BAR *of* TEXAS

# ANNUAL REPORT 2020-2021



AS THE 2020-2021 BAR YEAR COMES TO A CLOSE, I'm proud to report the State Bar of Texas remained fully functional, with most of its departments and employees working remotely throughout the pandemic. When I look back at what the State Bar—its board of directors, volunteers, and employees—have accomplished for the legal profession, it's nothing short of a Herculean effort dedicated to keep the needs of Texas lawyers at the forefront of our efforts during this extremely difficult year.



We are grateful to the Texas Supreme Court, especially our court liaison, Justice Debra Lehrmann, the Court of Criminal Appeals, and the Office of Court Administration for their superb leadership and assistance. The courts issued emergency orders during the pandemic providing instructions on everything from in-person and virtual court hearings, eviction rights and responsibilities, document service, and a host of other issues facing lawyers.

While 2020-2021 came with incredible challenges, the State Bar not only met them head on, but also continued to innovate and expand services for Texas lawyers in line with the bar's statutory purposes. Here are just some of those accomplishments:

- In light of the pandemic's financial impacts, the membership department worked with the Supreme Court to give lawyers two extra months to pay last year's membership fees, while the MCLE Department continued to extend deadlines to help lawyers comply with MCLE requirements.
- All departments, programs, and committees turned their in-person events virtual. TexasBarCLE increased its free offerings, providing \$5 million in free CLE events to all Texas lawyers, and offered an additional \$148,000 in scholarships to lawyers in financial need.
- The Texas Lawyers' Assistance Program continued its around-the-clock assistance to Texas lawyers, judges, and law students struggling with increased stress and anxiety due to the pandemic. The program developed monthly webinars on crucial well-being topics; amassed an online toolbox of resources at [texasbar.com/tlpsupporttoolbox](https://texasbar.com/tlpsupporttoolbox); and created a one-hour free CLE to educate on depression and suicide prevention, which can be found at [tlphelps.org](https://tlphelps.org) and on [texasbarcle.com](https://texasbarcle.com) under "free online classes."
- Texas lawyers overwhelmingly approved all eight proposals in the 2021 rules vote referendum. The Supreme Court adopted the amendments effective July 1, 2021.
- The Law Practice Resources Division launched a new website—[texasbarpractice.com](https://texasbarpractice.com), 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 Texas Opportunity and Justice Incubator transitioned to an entirely virtual format ahead of the pandemic, which allowed it to expand the program and cut costs.

Last, but absolutely not least, the State Bar created a fiscally responsible, balanced 2021-2022 budget that accounts for the pandemic's financial challenges. As a result of management decisions made at every turn during the pandemic and sharp-eyed oversight by the board of directors, the bar is in excellent financial health and well positioned to continue serving Texas lawyers and the public into the new year.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Apffel". The signature is stylized and fluid, with a large initial "T" and a long, sweeping underline.

Trey Apffel  
Executive Director, State Bar of Texas

# 2020-2021 ACHIEVEMENTS

Under the leadership of 2020-2021 State Bar President Larry McDougal and the State Bar of Texas Board of Directors, the bar made progress on issues important to Texas lawyers and the public. Task forces and workgroups tackled major issues such as safely resuming criminal court proceedings, reviewing the lawyer grievance system to



ensure it remains fair to all, advancing diversity in the administration of justice and the practice of law, and identifying areas where the bar could continue or expand member services in response to the COVID-19 pandemic and the 2021 winter storm. The bar increased services to members, providing \$5 million in free CLE events and launching a new law practice resources website. The bar also successfully brought eight disciplinary rule proposals to the membership for a vote and completed the purchase of 1415 Lavaca St., immediately adjacent to the State Bar's headquarters at the Texas Law Center in Austin. The property will undergo renovations to serve as meeting space for Texas lawyers and bar volunteers and additional office space for bar operations.

## MANDATORY BAR LITIGATION

The State Bar of Texas continued to uphold its statutory structure as defendants in the *McDonald v. Sorrels* litigation. In May 2020, U.S. District Judge Lee Yeakel issued a ruling in favor of the bar, which the plaintiffs appealed to the U.S. Court of Appeals for the 5th Circuit in New Orleans.

In July 2021, a panel of the 5th Circuit issued its opinion, upholding the constitutionality of nearly all of the challenged State Bar programs and activities, including the bar's CLE and annual meeting programming, diversity initiatives, the *Texas Bar Journal*, and the bulk of its access to justice initiatives. The panel found parts of the State Bar's and Texas Access to Justice Commission's legislative efforts were not germane to the bar's purposes of regulating the legal profession or improving the quality of legal services available to Texans, and therefore use of mandatory dues for those efforts violates the constitutional rights of the plaintiffs. The panel also found the bar's

procedures are not sufficient to allow members to challenge activities they believe to be nongermane. The panel vacated the district court's summary judgment, rendered partial summary judgment in favor of the plaintiffs, and remanded the case for the district court to determine the full scope of relief to which the plaintiffs are entitled. The court also granted a preliminary injunction preventing the State Bar from requiring the three plaintiffs to join or pay dues pending completion of the remedies phase before the district court on remand. The State Bar did not seek rehearing of the opinion and looks forward to bringing this litigation to conclusion at the district court level. The 5th Circuit panel opinion does not change the longstanding U.S. Supreme Court precedent that supports the mandatory bar. The opinion also does not undermine the fundamental structure and purposes of the State Bar of Texas, which was established by the Texas Legislature in aid of the Texas Supreme Court's inherent authority to regulate the practice of law.

## CONNECT WITH US ON SOCIAL MEDIA

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 [@STATEBAROFTEXAS](https://twitter.com/STATEBAROFTEXAS)

 [LINKEDIN.COM/COMPANY/STATE-BAR-OF-TEXAS](https://www.linkedin.com/company/state-bar-of-texas)

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 [YOUTUBE.COM/STATEBAROFTEXAS](https://www.youtube.com/STATEBAROFTEXAS)

 [PINTEREST.COM/STATEBAROFTEXAS](https://www.pinterest.com/STATEBAROFTEXAS)

# WHAT WE DO

## SELF-GOVERNANCE

Texas lawyers practice law in a self-regulated profession with an independent grievance system. Since the inception of the State Bar of Texas, Texas lawyers have retained the right to approve proposed disciplinary rule changes in referenda elections and vote on members of the board of directors, which governs all manner of bar administration, programs, policies, and budget management. Learn more at [texasbar.com/board](https://texasbar.com/board).

## 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.

The bar also offers the Texas Bar Career Center, an online portal for both employers and job seekers. Visit the Career Center to post open positions or search for legal related jobs.

The State Bar's Law Practice Resources Division created [texasbarpractice.com](https://texasbarpractice.com) to 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 maintains a portal through which lawyers can designate in advance a custodian attorney in the event the 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, disciplinary actions, technology, and more. It can also be viewed online at [texasbar.com/tbj](https://texasbar.com/tbj) or via the digital edition at [texasbar.com/digitaltbj](https://texasbar.com/digitaltbj). Members and the public can follow the bar on Facebook, Twitter, LinkedIn, Instagram, and YouTube for timely announcements on lawyers in the news, reminders about their membership, links to special articles, informational videos, and information about events. The Texas Bar Blog provides more information about State Bar governance, 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 2020-2021 bar year, TexasBarCLE offered 146 webcasts, 894 online classes, 98 live courses, and 89 video replays. Most programs are recorded and archived for online viewing, with more than 2,700 hours available as online classes. Also, more than 28,000 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 to educate the public on a variety of legal topics (see [texasbar.com/resources](https://texasbar.com/resources), [tyla.org/resources](https://tyla.org/resources), and [texaslre.org](https://texaslre.org)).

Law-Related Education holds teacher workshops and publishes educational materials about the law and civics for teachers and students.

## 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, 39 State Bar sections offer free memberships for lawyers licensed two years or less, and 18 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 nonbinding, nonconfidential guidance to Texas-licensed attorneys. 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. In the 2020-2021 bar year, the Ethics Helpline returned approximately 5,000 calls.

## **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.

## **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 Local 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 2020-2021 bar year, 46 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.

## **PROTECTING THE PUBLIC**

The State Bar of Texas furthers the state's interests in regulating the legal profession and improving the quality of legal services. The Texas attorney discipline system is administered by the Office of Chief Disciplinary Counsel, or CDC, whose work is overseen by the Commission for Lawyer Discipline. CDC represents the commission in disciplinary litigation. In the 2020-2021 bar year, the disciplinary system issued 372 sanctions, resolving 459 complaints. 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. 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 2020-2021 bar year, 135 applications were considered, resulting in grants totaling \$483,699.91.

## **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 2020-2021 bar year, TLAP handled 845 consultations and offered numerous educational programs and resources, including a free CLE on depression and suicide prevention and an online Support Toolbox for lawyers, judges, and law students dealing with isolation and needing mental health or recovery support during COVID-19. All communication with TLAP is confidential by statute.

## **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.

# 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 2020-2021 bar year. For a full list of results, go to [texasbar.com/performance-measures-numbers](https://texasbar.com/performance-measures-numbers).

## SERVICE TO THE PUBLIC

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

**49,735**  
CALLS ANSWERED

**54,393**  
REFERRALS MADE

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

**21,119,238**  
TOTAL HITS  
TEXASBAR.COM

**5,998**  
PAGE HITS  
TEXASBAR.COM/DISASTER

**23,647**  
PAGE HITS  
TEXASBAR.COM/RESOURCES

## SERVICE TO MEMBERS

TexasBarCLE

**274,152**

registrations obtained through **1,227** continuing legal education offerings



TEXAS LAWYERS'  
ASSISTANCE PROGRAM  
*Confidential. Respectful. Voluntary.*

**845**  
CONSULTATIONS

**64%** were related to mental health, **33%** to substance use, and **3%** to cognitive issues. TLAP's website—[tlaphelps.org](https://tlaphelps.org)—garnered **41,906** page views. TLAP made **125** 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  | <b>459</b> |
| Total sanctions            | <b>372</b> |
| Disbarments                | <b>18</b>  |
| Resignations               | <b>15</b>  |
| Suspensions                | <b>123</b> |
| Public reprimands          | <b>36</b>  |
| Private reprimands         | <b>100</b> |
| Grievance Referral Program | <b>80</b>  |

## ACCESS TO JUSTICE



**\$1,471,744**

The amount of voluntary ATJ contributions through dues statements from **10,869** attorneys

# 2021 RULES VOTE: LAWYER SELF-GOVERNANCE IN ACTION

On May 25, 2021, the Texas Supreme Court issued final approval of amendments to the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. Texas lawyers had earlier approved the proposals as part of the first successful rules vote referendum in a decade. The court's order adopted each of those proposals, along with interpretive comments, effective July 1, 2021.



Among other changes to the Texas Disciplinary Rules of Professional Conduct, the court's order adopts amendments to Part VII (lawyer advertising and solicitation) and Rule 1.05 (confidentiality of information) and adopts new Rules 1.16 (clients with diminished capacity) and 6.05 (conflict of interest exceptions for nonprofit and limited pro bono legal services). The full court order is available at [texasbar.com/rulesvote](https://texasbar.com/rulesvote).

The rules vote was the first since the Texas Legislature adopted a new rule-making process in 2017. The Legislature tasked the Committee on Disciplinary Rules and Referenda, or CDRR, with overseeing the initial process for proposing rule changes and ensuring multiple opportunities for input from lawyers and all Texans.

Under state law, proposed changes to attorney disciplinary rules must be approved by the CDRR, the State Bar Board of Directors, the bar's membership, and the Supreme Court. On September 25, 2020, the State Bar board voted to petition the Supreme Court for a rules vote referendum on eight proposals. The court ordered the referendum, and State Bar members voted via electronic or paper ballot between February 2 and March 4, 2021.

Lawyers overwhelmingly approved all eight proposals. A total of 19,823 votes were cast, representing a turnout of approximately 18.5% of eligible voters. "We sincerely thank all the lawyers who took the time to study the important issues at hand and exercised their right of self-governance to vote on these proposed rule amendments," said Trey Apffel, executive director of the State Bar of Texas. "While I would always like to see higher turnout, I am encouraged that so many lawyers provided input throughout the process and ensured these proposals were well vetted."

## 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.*

STATE BAR OF TEXAS  
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2020 - 2021

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