

STATE BAR *of* TEXAS

ANNUAL REPORT 2022-2023



In her outgoing remarks to the State Bar of Texas Board of Directors, 2022-2023 President Laura Gibson discussed the bar's success during her term in expanding awareness of the attorney discipline system, stressing the importance of lawyer well-being, and alerting our members to the pressing need for succession planning. Under her leadership, the State Bar provided free CLE webcasts on those topics that reached more than 45,000 Texas lawyers.



In response to the aging of the legal profession, the bar highlighted the need for members—particularly solo practitioners—to designate a custodian attorney. As part of these efforts, on June 21, 2023, the bar recognized “Designate Your Custodian Day,” taking advantage of the longest day of the year to publicize the State Bar’s custodian designation portal at texasbar.com/succession. In addition, the Law Practice Management Committee launched a toolkit with additional succession planning resources.

The 2022-2023 bar year saw many achievements, and I am proud to share them with you in these pages. For even more information on the accomplishments of the State Bar in 2022-2023, I encourage you to read the section and committee reports in the July/August issue of the *Texas Bar Journal* (texasbar.com/tbj).

Thank you to the volunteers who make up our sections and committees, along with our professional staff, for the countless hours of work represented in these reports and for your dedication to the legal profession.

Sincerely,

A handwritten signature in black ink that reads "Trey Apffel". The signature is stylized and fluid, with a long horizontal stroke extending from the end of the name.

Trey Apffel
Executive Director, State Bar of Texas



2022-2023 ACHIEVEMENTS

Under the leadership of 2022-2023 President Laura Gibson, the State Bar of Texas worked to educate members on the need for succession planning, improve understanding of the attorney discipline system, and promote the importance of lawyer well-being.

In response to the “graying” of the profession, Gibson encouraged members to designate a custodian attorney. The initiative included a free TexasBarCLE webcast, titled “Don’t Wait, Designate,” and the creation of a comprehensive Succession Planning Toolkit. Also, on June 21, 2023, the bar recognized “Designate Your Custodian Day,” taking advantage of the summer solstice—the longest day of the year—to encourage use of the bar’s custodian designation portal at texasbar.com/succession.



Gibson also sought to educate lawyers on the importance of their well-being and the life-saving services available through the Texas Lawyers’ Assistance Program. Due in part to these efforts, approximately 25,000 attorneys viewed “Just Ask,” a free TexasBarCLE webcast on suicide and depression prevention.

Gibson also focused on demystifying the attorney grievance process and explaining the important work done through the discipline system. This resulted in another free TexasBarCLE webcast, “What Every Lawyer Should Know About the Attorney Grievance System.” Collectively, the free CLE webcasts associated with Gibson’s efforts reached more than 45,000 Texas lawyers.

The year also marked the 15th anniversary of LeadershipSBOT. Created in 2008 by then-State Bar President Harper Estes, LeadershipSBOT is designed to increase diverse leadership participation within the legal community through the nomination of lawyers who possess both the desire and the potential to assume leadership roles in their communities and the State Bar. Central to the program’s mission is ensuring that participant demographics represent the diversity of the state of Texas—culturally, ethnically, geographically, and in practice area.



Finally, the Building Planning Special Committee continued with plans for the bar’s property at 1415 Lavaca St. in Austin. The project would preserve and restore the historic structure on the site and build a new, three-story building on the same property to be used as an education and conference center for the legal profession.

STATE BAR of TEXAS ★ 2022-2023 BOARD OF DIRECTORS

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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.

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 2022-2023 bar year, the disciplinary system issued 316 sanctions, resolving 397 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 2022-2023 bar year, 234 applications were considered, resulting in grants totaling \$892,449.72.

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 248 Texas counties that do not have local referral programs.

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 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. To learn more, go to texasbar.com/succession.

COMMUNICATIONS

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 or via the digital edition at texasbar.com/digitaltbj. Members and the public can follow the bar on social media for timely announcements on lawyers in the news, reminders about their membership, links to special articles, informational videos, and information about events. 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 2022-2023 bar year, TexasBarCLE offered 158 webcasts, 927 online classes, 96 live courses, and 106 video replays. Most programs are recorded and archived for online viewing, with 2,700 hours available as online classes. Also, more than 30,800 CLE articles are featured in the online library, including 2,546 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, tyla.org/resources, and texaslr.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 texaslr.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

WHAT WE DO

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. The Texas Young Lawyers Association has three different podcasts that help all lawyers on a variety of topics. Also, 38 State Bar sections offer free memberships for lawyers licensed two years or less, and 23 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.

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 2022-2023 bar year, the Ethics Helpline returned approximately 5,290 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 Department 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 Department 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. 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 2022-2023 bar year, 36 benefits were offered through the program. Goods and services offered to assist lawyers include financial services, travel discounts, car rentals, office supplies, health insurance through the Texas Bar Private Insurance Exchange, and professional liability insurance through TLIE.

REGULATION

As part of its duty to regulate the legal profession, the State Bar of Texas works to ensure Texas attorneys remain in compliance with their membership and minimum continuing legal education requirements. The Minimum Continuing Legal Education Committee administers the MCLE program, formulates rules and regulations, evaluates accreditations of CLE activities, and encourages the development of high-quality programs. Also, the Advertising Review Department is responsible for reviewing attorney and law firm advertisements and solicitation communications as required by Part VII of the Texas Disciplinary Rules of Professional Conduct.

TEXAS LAWYERS' ASSISTANCE PROGRAM

The Texas Lawyers' Assistance Program, or TLAP, helps lawyers, judges, and law students who are struggling with mental health or substance use concerns, chronic stress, or cognitive decline. In the 2022-2023 bar year, TLAP handled 1,060 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. In the 2022-2023 bar year, TLAP expanded outreach to paralegals and other legal professionals. 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, or TLTIV, is a collaborative effort with local bar associations, legal aid organizations, and veterans service providers to host legal advice clinics throughout the state.

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 2022-2023 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:

60,263
CALLS ANSWERED

71,542
REFERRALS MADE

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

19,813,442
TOTAL HITS
TEXASBAR.COM

3,128
PAGE HITS
TEXASBAR.COM/DISASTER

24,601
PAGE HITS
TEXASBAR.COM/RESOURCES

SERVICE TO MEMBERS

TexasBarCLE

146,578

Registrations obtained through **1,287** continuing legal education offerings.



TEXAS LAWYERS' ASSISTANCE PROGRAM
Confidential. Respectful. Voluntary.

1,060
CONSULTATIONS

66.5% were related to mental health, **30.5%** to substance use, and **3%** to cognitive issues. TLAP's website—tlaphelps.org—garnered **9,166** users and **18,199** page views. TLAP's Facebook page garnered **18,369** clicks. TLAP made **132** educational outreach presentations, including at law schools.

PROTECTION OF THE PUBLIC

CAAP
CLIENT-ATTORNEY ASSISTANCE PROGRAM

26,265

Contacts received via mail, email, and phone to CAAP program. Communications between attorney and client successfully reestablished in **83.5%** of cases.

ATTORNEY DISCIPLINE (CDC)

Total complaints resolved	397
Total sanctions	316
Disbarments	24
Resignations	17
Suspensions	90
Public reprimands	35
Private reprimands	92
Grievance Referral Program	58

ACCESS TO JUSTICE



\$1,532,507.85

The amount of voluntary ATJ contributions through dues statements from **11,329** attorneys.

SUCCESSION PLANNING TOOLKIT

As technology changes and our work environment becomes more rigorous, unexpected cessation of practice is on the rise.¹ Attorneys who die unexpectedly or are absent may leave partners and even family members to obtain client documents and close practices.

For client protection and emergency preparedness, the State Bar of Texas urges lawyers to evaluate their contingency plans. With advanced preparation, a law practice is poised to adjust in times of adversity.

The State Bar's new Succession Planning Toolkit was created through the generous work of the Law Practice Management Committee, which acted expeditiously to address the growing concern of sudden cessation within the profession. The toolkit is accessible at texasbar.com/successiontoolkit.

The toolkit was designed to help attorneys and other legal practitioners understand and apply the necessary elements to address the growing problem of unexpected and underprepared practice cessation. This comprehensive guide includes resources from the easiest and most essential—designating a custodian—to the more comprehensive, planning a transition out of practice.

The toolkit begins with an overview of the most basic and critical step in practice cessation, designating a custodian. Many attorneys are unfamiliar with the “task” or the “ask” of advanced designation. The toolkit contains a brief overview of your responsibilities as custodian and explains how to record your advanced designation as an attorney. It just takes a few minutes to designate your custodian using the State Bar's online portal at texasbar.com/succession. And if you only do one thing, designate a custodian.

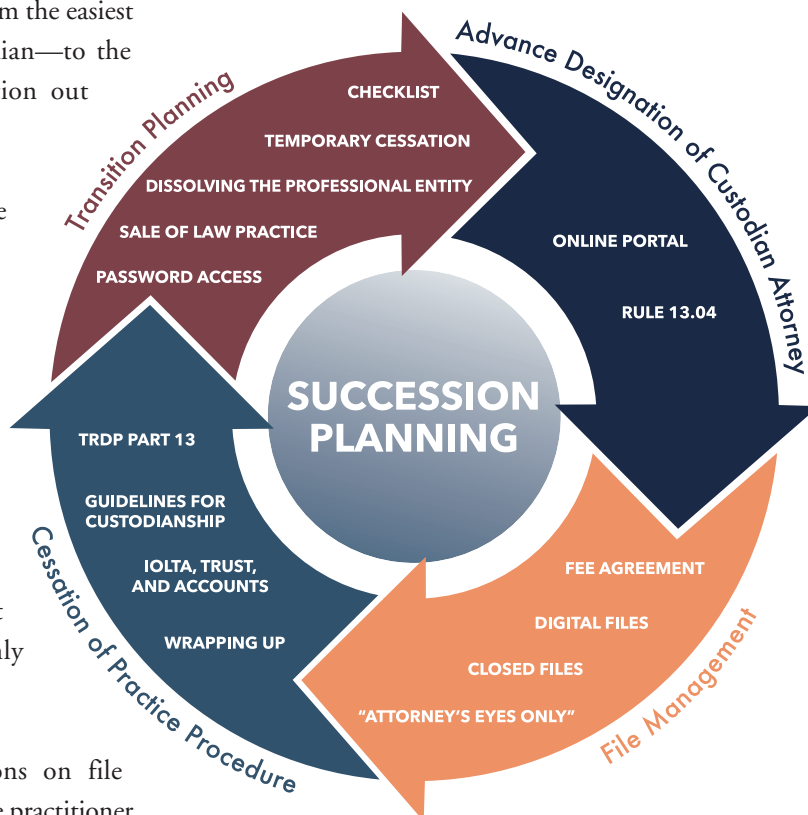
The toolkit then moves into instructions on file management, which can be used by both the practitioner

and his or her designated custodian. This section includes sample clauses to help efficiently and effectively address retention, transition, and closing of client files.

A primer has also been included to address the guidelines of custodianship, disposition of client files, and the precarious task of closing IOLTA accounts. You will find an overview of Texas Rules of Disciplinary Procedure Part 13 and steps to take in the event of a temporary cessation of your practice.

The toolkit also includes tips and checklists with chronologic timelines to use as you begin to wind down your practice, including information on preparing your practice for sale and the ethical and transactional factors to consider.

¹ Biennial Report for 2018, Supreme Court of Texas' Grievance Oversight Committee, pp. 25-26, https://www.txgoc.com/_files/ugd/531469_52ad9e58a16c4c64a05720c99dafb21c.pdf.



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2022 - 2023

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