

Professional Liability Insurance Disclosure Director Responsibilities

- Meet with local and specialty bar associations in your area of the state to help lawyers and the public understand the issue before the State Bar Board and to solicit input on these issues.
- Attend public hearings that are scheduled in your geographic area of the state.
- Send information to your constituents about the issue. When you receive the draft newsletter from the State Bar staff next week, turn-it-around quickly so it can be mailed prior to the first public hearing.
- Refer people to the State Bar website for the latest available information on these issues. There will be an online comment area as well as a way to send emails and written comments for compilation for the board meeting. (web address: www.texasbar.com/PLIdisclosure)
- Do not rush to judgment! Listen to your constituents and encourage them to provide comments through email, online commentary, and/or written comments.

Comments can be sent to:

statebarpresident@texasbar.com

**PLI Disclosure Comments
State Bar Board of Directors
c/o Ray Cantu
P.O. Box 12487
Austin, TX 78711-2487**

Professional Liability Insurance Disclosure

Draft of Proposed Motions for the January 2010 Board Meeting

Motion 1:

The State Bar Board of Directors recommends to the Supreme Court of Texas that on the issue of whether Texas lawyers should be required to disclose the existence or non-existence of professional liability insurance that:

- Yes, disclosure should be required
- No, disclosure should not be required

Motion 2:

If Professional Liability Insurance disclosure were to be required, the State Bar Board of Directors recommends to the Supreme Court of Texas that disclosure be made:

- through an administrative rule (not a disciplinary rule) that requires each Texas lawyer to disclose whether the attorney does, or does not, carry professional liability insurance and that this information be made available on the State Bar of Texas website.
- through a disciplinary rule (not an administrative rule) and that each Texas lawyer practicing in the public, who does not carry professional liability insurance, be required to inform clients in writing of that fact.

Talking Points re Professional Liability Insurance Disclosure Process

- 2007-2008 Task Force on Insurance Disclosure presented to the Board its report containing a recommendation against requiring Texas attorneys to disclose whether they have professional liability insurance, along with additional comments. The State Bar Board of Directors forwarded that report and all the information that was collected through the process to the Supreme Court of Texas.

- The Supreme Court of Texas has asked the State Bar Board of Directors to “review the task force report and make a final recommendation to the Court on these issues before February 2010.” In addition to the question regarding disclosure, the State Bar Board of Directors will make a recommendation regarding the preferred method for disclosure *if* disclosure was required.

- The State Bar Board of Directors will review the task force report and any new information over the next few months.

- At its September Board meeting, President Roland Johnson reported on the process for collecting information from lawyers and members of the public on this issue.

- Beginning at the September board meeting through the middle of December, information will be collected. Directors will play an active role in listening and discussing these issues with constituents (both lawyers and members of the public).

- As part of this process, a series of public hearings will be held, State Bar Board Members will visit with constituents, and an opportunity to provide written comments will be afforded the public and Texas lawyers. Information will be posted at www.texasbar.com inviting written comments as well as providing a place for online discussion.

- A report of information gathered with an executive summary will be prepared in January prior to the board meeting so directors can closely study all the input gathered from various constituents.

- A board vote will be taken at the January board meeting and the outcome of that vote and all the information will be forwarded to the Supreme Court of Texas.

Professional Liability Insurance Disclosure Process Leading to January 2010 Board Vote

The State Bar Board of Directors at its January 2010 meeting will vote to recommend to the Supreme Court of Texas a.) whether Texas should require lawyers to disclose whether they have liability insurance, and b.) if disclosure is required, the preferred method of disclosure. To ensure that the Board is well informed and that information about the process, discussion, and issues considered be part of the report to the Court, the Board will collect information from both lawyers and members of the public. The process, includes public hearings, opportunities for written comments, and online information about this issue.

Public hearings scheduled as of Friday, Sept. 25, include:

San Antonio

Noon - 2p.m., Wed., Oct. 14

San Antonio Bar Association, Bexar County Courthouse

Harlingen

Noon - 2 p.m., Thurs., Oct. 15

Hampton Inn, 1202 Ed Carey Drive

Houston

Noon - 2 p.m., Fri., Oct. 16

South Texas School of Law

El Paso

Noon - 2 p.m., Tues., Oct. 27

Commissioners Court Room

Dallas

Noon - 2 p.m., Wed., Oct. 28

Belo Mansion

Lubbock

Noon - 2 p.m., Thurs., Oct. 29

Texas Tech Law School

Austin

Noon - 2 p.m., Mon., Nov. 9

Texas Law Center