

Young, Libersky & Holbrook Attorneys at Law

2313 Birdcreek Terrace
Temple, Texas 76502

BARBARA SCHWARZ YOUNG
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LYNN L. LIBERSKY, *Attorney at Law*
FRANK HOLBROOK, *Attorney at Law*

November 10, 2009

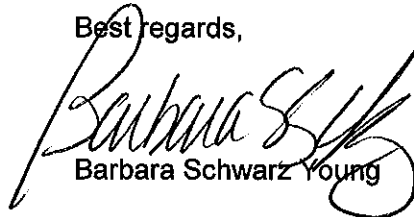
Mr. Ray Cantu
State Bar of Texas
PO Box 12487
Austin, Texas 78711-2487

Re: Professional Liability Insurance Disclosure

Dear Ray:

As I promised yesterday, enclosed for your records is a copy of the correspondence I have received regarding the professional liability insurance disclosure issue facing the bar. If I can be of further assistance, please do not hesitate to contact me.

Best regards,



Barbara Schwarz Young

BSY/tjp

cc: file

Barbara Young

From: Bruce Burleson [1
Sent: Thursday, August 13, 2009 9:35 AM
To: 'Barbara Young'
Subject: malpractice insurance notice

Barbara:

Thank you for making us aware of the State Bar's consideration of whether or not to require disclosure regarding malpractice insurance. Please consider this to be my "two cents" on the subject.

The State Bar should not require attorneys to disclose to the public whether they have malpractice insurance. There may be many legitimate reasons why an attorney may decide against having malpractice insurance. First, the attorney may practice in an area where malpractice claims in general are simply not a major risk. Second, the attorney may have a good record, with no or very few prior claims or grievances, and is simply willing to personally take the risk that his clients will not make a claim. Third, the attorney may be financially capable of handling any such claims without insurance - in other words, the attorney is self-insured. Fourth, the attorney may have a comfort level with his/her ability to resolve client conflicts short of someone filing a malpractice claim. Fifth, the attorney may simply be financially incapable of handling the expense of such insurance, a problem which is more likely to affect sole practitioners in smaller communities than large firms in major cities.

If the attorney is required to inform the public that he/she does not have malpractice insurance, however, a potential client inquiring about an attorney is likely to draw one conclusion about such a notice: this attorney can't get insurance because he or she is a bad lawyer. This is the likely conclusion that will be drawn, even though it may have nothing to do with reality. This will have the effect of driving clients away from sole practitioners in smaller communities to larger firms in major cities, who are better able to absorb the costs of malpractice coverage.

If a client wants to know about malpractice insurance, all the client has to do is ask the attorney. The attorney would be ethically bound to inform the client of the truth in that situation. But a public notice will simply drive clients away from otherwise competent attorneys to larger firms. The small town sole practitioner is the one who will be hurt by such a requirement.

I adamantly object to any such requirement. Again, thanks for letting us know what is going on.

Bruce Burleson
P. O. Box 509
Belton, Texas 76513
(254) 939-8944
(254) 939-8505

Bruce Burleson
P. O. Box 509
Belton, Texas 76513
(254) 939-8944
(254) 939-8505

Barbara Young

From: Michael Miller [mailto:]
Sent: Wednesday, August 12, 2009 7:09 PM
To: barbaray@vvm.com
Subject: Malpractice Insurance issue

Barbara,

I am curious about whether any other professionals (doctors, dentists, psychiatrists, architects, engineers, etc) are required to let the public know about their professional insurance status. I'm not aware of hearing anything to indicate that they are. If no such requirement exists, why should lawyers be singled out?

Personally, I've carried liability insurance for twenty years, but never had to use it...*knock on wood.*

While that might give me an edge over an uninsured attorney, I don't really think the bar should go there. We had so much trouble when advertizing was made legal. I'm afraid that it might just be a battle of who had the biggest policy, and then only the ins. companies would win. Also, wouldn't it require all of us to do advertizing that we hadn't otherwise intended to provide?

Thanks for serving our profession.

Michael R. Miller
Attorney at Law, PC
520 S. Main (P. O. Box 84)
Belton, Texas 76513
www.bellcountylawyer.com
Ph. 254-939-3995 Fax 254-939-3996

Nothing in this email should be construed as legal advice unless the recipient is a current client who has paid a retainer.

Barbara Young

From: Joe Carroll [mailto:jcarroll@statebar.org]
Sent: Wednesday, October 21, 2009 5:28 PM
To: Barbara Young
Subject: State Bar Newsletter

Barbara, Thanks for keeping us informed. I believe everyone should carry prof liab ins. It is difficult to require it. There are so many types of law practices and lawyers. Perhaps the Bar could devise a way a to create "certificate of professional readiness" or some such title which lawyers could advertise if they had attended and completed a class on professionalism and secured a prof liab ins policy. That is, something to make it aspirational to achieve and put it positively, instead of advertising that you did or did not have ins. In any case, I believe a client should be able to go to a website to check public info about an Atty. Also, with regard to changes to certification requirements, the civil and per inj trial cert should accept credit for taking a lot of good depositions and participating in a lot of good mediations instead of just jury trials. Those are my thoughts for whatever they are worth which is a cup of coffee, a tuna sandwich and an ice cream at Jason's with you and Holbrook. Holbrook can pay for the ice cream cause it's free and he can't afford any thing else. I'll pay for the sandwich and a glass of water for the same reason. The coffee is on you. Deal? Jge Joe

Law Offices of
T. BRADLEY CATES

210 North Sixth Street
Waco, Texas 76701

Telephone: 254 753 1194
Facsimile: 254 756 2193

October 15, 2009

Barbara S. Young
Director, District 8
State Bar of Texas
2313 Bird Creek Terrace
Temple, Texas 76502

Dear Ms. Young:

I have learned of proposals regarding disclosure of professional liability insurance and even a website with a list of attorneys who carry such insurance. This is a horrible idea which has very little value except to invite unjustified action against attorneys.

It is time the State Bar stopped the practice of sacrificing its members in an effort to appease those who are determined to denigrate and dislike attorneys, regardless of what we do. It is one thing for the State Bar of Texas to attempt to improve the public's perception of attorneys. It is another thing for the association to turn on its members for the sake of that perception, which we all know is, in general terms, unjustified.

I am opposed to this new proposal and I urge you to oppose it, as well, in behalf of your constituents.

Very truly yours,



T. Bradley Cates

Tom L. Ragland

Attorney at Law
801 Washington Ave., Ste. 217
Waco, Texas 76701-1282

Board Certified
Personal Injury Trial Law
by the Texas Board of Legal Specialization
~ • ~
Member, American Board of Trial Advocates

Phone: (254) 753-0233
Fax: (254) 753-0244

October 14, 2009

Ms. Barbara S. Young
Director, District 8
2313 Birdcreek Terrace
Temple, TX 76502

Dear Ms. Young:

Thank you for giving your time to serve on the State Bar of Texas Board of Directors. Thank you also for the letter regarding the proposal for *Professional Liability Insurance Disclosure*.

I am opposed to the proposal. It would be especially troublesome for those of us who practice criminal defense law, either full time or part time. It seems to me that making a public disclosure would be tantamount to sending an invitation to a client to sue the attorney if the results of a criminal case didn't turn out as hoped for. This would be extremely hazardous for those of us who agree to represent indigent dependants through the court appointment programs.

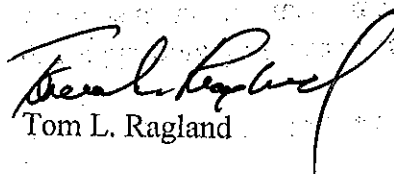
I get no comfort from the fact that few such claimants would be successful. The loss of time having to defend the action, pay the deductible and then face a premium increase based on "claims made" rather than claims paid, would make such practice undesirable.

Having a web site listing those attorneys who carry such insurance constitutes an invasion of my privacy and puts me on a target list for those who might design to profit at my expense. Bad idea.

We already have to include written instructions in our contracts of employment about how to file grievances and give them a toll free number to use. I think that is enough.

Please put me on the "opposed" list.

Sincerely,


Tom L. Ragland

**JAMES H. KREIMEYER
ATTORNEY AT LAW**

P.O. Box 727
Belton, Texas 76513
(254) 939-9393
Fax: (254) 939-2870

October 13, 2009

Barbara Young
Young, Libersky & Holbrook
2313 Birdcreek Terrace
Temple, Texas 76502

RE: Disclosure of PLI

Dear Barbara,

As you know, I practice only criminal defense law. Under a case from the Texas Supreme Court criminal defense lawyers are safe from malpractice suits so long as the client has been, and remains, convicted. *Peeler v. Hughes & Luce*, 909 S.W.2d 494 (Tex. Sup. Ct. 1995) I have never seen the need to carry PLI because of this ruling. The remedy for a convicted defendant is to file a post-conviction writ and allege ineffective assistance of counsel. PLI does not give the client any relief if a post-conviction writ is successful, as I understand it.

For the civil lawyers who seem to have the power in the Texas State Bar to dictate what procedures and rules we that practice criminal defense law must follow without understanding how our practices operate has always been a complaint I have had about the state bar.

Yours truly,



James Kreimeyer

Tammy Pierce

From: Barbara Young []
Sent: Wednesday, October 14, 2009 3:19 PM
To: 'Tammy Pierce'
Subject: RE: David Duncan, atty in Bryan

returned call - practiced law 50 + years - does not seem like a good idea to him - thinks lawyers should carry it but to require one to tell a stranger *not*

From: Tammy Pierce [mailto:]
Sent: Wednesday, October 14, 2009 11:04 AM
To: 'Barbara Young'
Subject: David Duncan, atty in Bryan

979 776 0758

Recv'd a letter from you as State Bar Director in Dist 8. He wants to talk to you.

Barbara Young

From: Gary Cunha []
Sent: Wednesday, October 14, 2009 3:11 PM
To:
Subject: insurance disclosure

Put me down as a "NO" vote on whether or not lawyers should have to disclose insurance coverage.

thank you,
Gary

Gary William Cunha
Attorney and Counselor at Law
Gary Cunha, P.C.
2121 W. Waco Drive
Waco, TX 76707
254-752-4279
fax 254-757-3431
www.752gary.com

Barbara Young

From: Endicott Law Offices [i
Sent: Tuesday, October 13, 2009 10:14 AM
To:
Subject: INSURANCE DISCLOSURE

Barbara:

Several thoughts on the insurance disclosure issue.

I have always included in my engagement letter words to the effect "This office provides professional liability insurance for your (the client's) protection.

Have the liability carriers such as TLIE weighed in on the discussion.

My recollection is that you must have liability insurance to participate in the Texas Lawyer Referral Program.

Jim Endicott - Cell 254-554-1505

Barbara Young

From: Bell County Bar Assoc. []
Sent: Monday, October 12, 2009 9:09 AM
To: Barbara S. Young
Subject: Fw: Re: IMPORTANT MESSAGE FROM BARBARA YOUNG!

--- On Mon, 10/12/09, Bruce P Heffner, Attorney at Law/Corporate Counsel < > wrote:

From: Bruce P Heffner, Attorney at Law/Corporate Counsel < >
Subject: Re: IMPORTANT MESSAGE FROM BARBARA YOUNG!
To: "Bell County Bar Assoc." < >
Cc: "03 Confirm" < >
Date: Monday, October 12, 2009, 8:20 AM

You said all that needs to be said, in the first "con" - There is no evidence of a problem, so essentially, our court system has enough time on its hands that it can attend the resolution of problems that do not exist, perhaps Texas would be better served if the courts attended to problems that did exist!!!

Bruce P. Heffner,
CPCU, ARM, ARe, ASLI, CSRP
Attorney at Law/General Counsel
RVOS and Affiliated Companies

----- Original Message -----

From: Bell County Bar Assoc. < >
To: 03 Confirm < >
Sent: Fri, 09 Oct 2009 20:19:18 -0500 (CDT)
Subject: IMPORTANT MESSAGE FROM BARBARA YOUNG!

As you know, the Texas Supreme Court has requested directors of the State Bar of Texas to make a recommendation to the Court on the issue of whether attorneys should have to disclose the existence or non-existence of Professional Liability Insurance (PLI). The vote on this issue will occur in January 2010, and the results of the vote will be provided to the Texas Supreme Court. Obviously a decision on this issue could effect every member of the Bar.

In June 2008, a Task Force on Insurance Disclosure studied the issue and voted 6-5 that no insurance disclosure be required. In response to the Task Force report, the Grievance Oversight Committee recommended that the State Bar, at the direction of the Texas Supreme Court, implement a PLI disclosure rule.

The State Bar has embraced the challenging opportunity to study this issue, to get the word out to the public and the profession, to gather feedback and to make an informed decision in January. There will be public hearings throughout the State in October and November. Additionally, information that is pertinent to the issue can be found at www.texasbar.com/PLIdisclosure - this site is updated frequently. Additionally, Directors of the State Bar will be contacting members from their districts, providing information and requesting feedback. For those of you who are members of Sections of the Bar, Sections and Section Representatives to the Bar will also be contacting their members and providing pertinent information.

I sincerely appreciate the opportunity to speak briefly about the PLI disclosure issue at the Bell County Bar Director's meeting yesterday and during the Fall CLE meeting. Pursuant to the request from the BCBA board, I am providing a list of pros and cons as articulated by the Task Force that studied the issue. I hope this will be of assistance to members. I look forward to receiving feedback from you all.

PROS:

1. Absence of insurance is a material fact - The absence of PLI is material, potentially affecting the client's interest and decision about hiring a particular attorney. Clients have a right to know material facts in making a decision to hire an attorney. The disclosure requirements will have an adverse impact on uninsured attorneys only if one assumes clients with that information would not hire the attorney. If so, that confirms the material nature of the information.
2. Clients of uninsured attorneys often have no remedy - Clients may have no viable remedy when they have been damaged by an uninsured attorney's malpractice. Plaintiffs' attorneys usually will not take the malpractice case in such situations, because of the likelihood that there will be no recovery. Clients with claims against insured attorneys may have at least some potential recourse.
3. Disclosure enhances informed consumer decisions - The proposal will serve to inform clients when an attorney or prospective attorney is uninsured. By making that information available, a client will have better information to make an individual decision when choosing an attorney. Clients may assume attorneys have PLI, making disclosure even more important.
4. Failure of the system - Clients who learn after-the-fact that they have little or no recourse against an uninsured attorney whose mistakes have caused their losses do not believe they have been protected by the justice system and lose respect for, and confidence in, the legal system.
5. Disclosure protects the public - The State bar should protect the public and demonstrate that it acts in the best interest of the public, not just attorneys. The client's interest should come first.
6. Failure to disclose the absence of PLI is a breach of a fiduciary duty - Attorneys owe a fiduciary duty to clients. Failure to disclose absence of PLI coverage might be characterized as a breach of that fiduciary duty.
7. The burden of asking should not be on the client - Clients may not have the level of sophistication to enable them to ask for all the relevant information. The burden therefore should not be on the client to ask about an attorney's PLI. An attorney should have an affirmative duty to provide appropriate information to allow a prospective client to make an informed decision, that information should include disclosure about PLI.
8. Protection of clients should be paramount - Attorneys are expected to offer protection to clients from adverse consequences. An attorney's pecuniary interest should not be placed above the protection of the client. The client's interest in being fully informed about relevant circumstances outweighs any interest an attorney might have in not disclosing the absence of PLI coverage and is more important to the integrity of the Bar than allowing an attorney to remain silent.
9. Uninsured attorneys will not suffer a direct financial impact - The proposed rules are about disclosure. The proposed rules do not require attorneys to maintain insurance coverage, and therefore have no direct economic impact on uninsured attorneys.

CONS:

1. There is no evidence of a problem - No evidence has been presented regarding the number of malpractice claims that remain unsatisfied due to lack of insurance or other available assets. Clients do not base their decision to hire an attorney on whether that attorney has PLI. An attorney's competence to handle the client's legal matter is the most significant factor. If a client or prospective client wants to know whether an attorney has PLI, the client can ask for that information.
2. Unfair impact on certain segments - The proposal unfairly affects segments of the bar that are most likely to be uninsured. Those mentioned include solo practitioners, newly admitted attorneys, minority attorneys, and part-time attorneys.
3. Disclosure will stigmatize uninsured attorneys - Disclosure will unfairly stigmatize uninsured attorneys and clients will draw unwarranted inferences from the absence of PLI. Even though disclosure does not mandate

insurance coverage, it will compel attorneys to obtain insurance to avoid the stigma and will place attorneys who elect not to carry PLI at an unfair competitive disadvantage.

4. There will be an adverse impact on access to justice - The required disclosure will have an adverse economic impact on consumers and will adversely affect access to justice. When confronted with the added cost of insurance, attorneys will be faced with the dilemma of either passing that cost on to their clients or absorbing it themselves. If the cost is passed on, clients of solo and small firms in particular - including segments of the population who are least capable of affording legal services - will face an increase in the cost of legal services. If the cost is absorbed by the lawyer, the least prosperous portion of the Bar will become even less profitable and some may be driven out of the practice of law, leaving fewer choices for consumers.

5. Disclosure requirements will be misleading - Disclosure may actually mislead the public. Stating whether you have insurance is often not a yes or no answer. For example, given the claims made nature or malpractice policies, having insurance at the time of the engagement may mislead the client into believing that coverage will be available when a claim is later made, which may not be true. Further, many claims made against a lawyer will not be covered by applicable insurance. In that case, disclosure could actually create a false sense of security. In addition, attorneys who chose not to disclose the absence of PLI could be put at risk for allegedly misleading their clients about the adequacy of coverage, either implicitly or explicitly.

6. malpractice lawsuits will increase - Disclosure will encourage malpractice lawsuits. Disclosure will encourage litigation against insured attorneys, given the availability of insurance recovery. The argument that no attorney will take a case against an uninsured attorney seems to confirm this position. Alternatively, uninsured attorneys may be targeted by questionable malpractice claims for the purpose of forcing a quick settlement given that personal assets will be at risk.

7. Other professionals don't disclose - No other professional is required to inform a client if he or she does not have PLI.

If I can be of further assistance, please do not hesitate to contact me.

Thank you,

Barbara Young

Barbara Schwarz Young
Young, Libersky & Holbrook
2313 Birdcreek Terrace
Temple, Texas 76502
254/774-1996

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Barbara Young

From: Bell County Bar Assoc. []
Sent: Friday, October 09, 2009 5:46 PM
To: Barbara S. Young
Subject: Fw: RE: IMPORTANT MESSAGE FROM BARBARA YOUNG!

--- On Fri, 10/9/09, Jerry Secrest < > wrote:

From: Jerry Secrest < >
Subject: RE: IMPORTANT MESSAGE FROM BARBARA YOUNG!
To: "Bell County Bar Assoc." < >
Date: Friday, October 9, 2009, 5:34 PM

Barbara,

I would encourage you to vote against the proposal to require disclosure of malpractice insurance. Regarding the Grievance Oversight position, in my opinion that group has always been problematic.

Thanks

Jerry Secrest

From: Bell County Bar Assoc. [mailto:]
Sent: Friday, October 09, 2009 4:36 PM
To: 05 Confirm
Subject: IMPORTANT MESSAGE FROM BARBARA YOUNG!

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clients. Failure to disclose absence of PLI coverage might be characterized as a breach of that fiduciary duty.

7. The burden of asking should not be on the client - Clients may not have the level of sophistication to enable them to ask for all the relevant information. The burden therefore should not be on the client to ask about an attorney's PLI. An attorney should have an affirmative duty to provide appropriate information to allow a prospective client to make an informed decision, that information should include disclosure about PLI.

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Barbara Schwarz Young

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2313 Birdcreek Terrace
Temple, Texas 76502.
254/774-1996

Barbara Young

From: Bell County Bar Assoc. |
Sent: Friday, October 09, 2009 3:06 PM
To: Barbara S. Young
Subject: Fw: RE: IMPORTANT MESSAGE FROM BARBARA YOUNG!

Barbara, see message below from Bruce Burleson! I will continue to forward any replies that we receive at the bar email address. Have a great weekend.

Thanks, Jina

Cynthia Champion / Jina Boydston
Executive Directors, Bell County Bar Association
P.O. Box 282
Belton, TX 76513

--- On Fri, 10/9/09, Bruce Burleson < > wrote:

From: Bruce Burleson < >
Subject: RE: IMPORTANT MESSAGE FROM BARBARA YOUNG!
To: "Bell County Bar Assoc." < >
Date: Friday, October 9, 2009, 2:47 PM

Barbara:

Thank you for keeping us informed and for doing such a good job. I previously wrote you expressing my opposition to any disclosure requirements regarding malpractice insurance. There really is no crisis or problem here, and "if it ain't broke, don't fix it." A disclosure requirement would create a stigma for those without insurance, would disproportionately impact solo practitioners, and would not make anything better for anyone, other than it would send more business to large firms in large cities. If the client wants to know about insurance, he/she can ask, and the attorney would need to disclose the information to him/her. If it is material to the client, he/she will ask. Let's leave it at that.

Thanks again.

Bruce Burleson

From: Bell County Bar Assoc. [mailto:]
Sent: Friday, October 09, 2009 2:26 PM

To: 01 Confirm; 02 Confirm

Subject: IMPORTANT MESSAGE FROM BARBARA YOUNG!

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3. Disclosure enhances informed consumer decisions - The proposal will serve to inform clients when an attorney or prospective attorney is uninsured. By making that information available, a client will have better information to make an individual decision when choosing an attorney. Clients may assume attorneys have PLI, making disclosure even more importate.
4. Failure of the system - Clients who learn after-the-fact that they have little or no recourse against an ininsured attorney whose mistakes have caused their losses do not believe they have been protected by the justice system and lose respect for, and confidence in, the legal system.
5. Disclosure protects the public - The State bar should protect the public and demonstrate that it acts in the best interest of the public, not just attorneys. The client's interest should come first.
6. Failure to disclose the absence of PLI is a breach of a fiduciary duty - Attorneys owe a fiduciary duty to clients. Failure to disclose absence of PLI coverage might be characterized as a breach of that fiduciary duty.
7. The burden of asking should not be on the client - Clients may not have the level of sophistication to enable them to ask for all the relevant information. The burden therefore should not be on the client to ask about an attorney's PLI. An attorney should have an affirmative duty to provide appropriate information to allow a prospective client to make an informed decision, that information should include disclosure about PLI.
8. Protection of clients should be paramount - Attorneys are expected to offer protection to clients from adverse consequences. An attorney's pecuniary interest should not be placed above the protection of the client. The client's interest in being fully informed about relevant circumstances outweighs any interest an attorney might have in not disclosing the absence of PLI coverage and is more important to the integrity of the Bar than allowing an attorney to remain silent.
9. Uninsured attorneys will not suffer a direct financial impact - The proposed rules are about disclosure. The proposed rules do not require attorneys to maintain insurance coverage, and therefore have no direct economic impact on uninsured attorneys.

CONS:

1. There is no evidence of a problem - No evidence has been presented regarding the number of malpractice claims that remain unsatisfied due to lack of insurance or other available assets. Clients do not base their decision to hire an attorney on whether that attorney has PLI. An attorney's competene to handle the client's legal matter is the most significant factor. If a client or prospective client wants to know whether an attorney has PLI, the client can ask for that information.
2. Unfain impact on certain segments - The proposal unfairly affects segments of the bar that are most likely to be uninsured. Those mentioned include solo practitioners, newly admitted attorneys, minority attorneys, and part-time attorneys.
3. Disclosure will stigmatize uninsured attorneys - Disclosure will unfailry stigmatize uninsured attorneys and clients will draw unwarranted inferences from the absence of PLI. Even though disclosure does not mandate insurance coverage, it will compel attorneys to obtain insurance to avoid the stigma and will place attorneys who elect not to carry PLI at an unfair competitive disadvantage.
4. There will be an adverse impact on access to justice - The required disclosure will have an adverse economic impact on consumers and will adversely affect access to justice. When confronted with the added cost of

insurance, attorneys will be faced with the dilemma of either passing that cost on to their clients or absorbing it themselves. If the cost is passed on, clients of solo and small firms in particular - including segments of the population who are least capable of affording legal services - will face an increase in the cost of legal services. If the cost is absorbed by the lawyer, the least prosperous portion of the Bar will become even less profitable and some may be driven out of the practice of law, leaving fewer choices for consumers.

5. Disclosure requirements will be misleading - Disclosure may actually mislead the public. Stating whether you have insurance is often not a yes or no answer. For example, given the claims made under malpractice policies, having insurance at the time of the engagement may mislead the client into believing that coverage will be available when a claim is later made, which may not be true. Further, many claims made against a lawyer will not be covered by applicable insurance. In that case, disclosure could actually create a false sense of security. In addition, attorneys who chose not to disclose the absence of PLI could be put at risk for allegedly misleading their clients about the adequacy of coverage, either implicitly or explicitly.

6. malpractice lawsuits will increase - Disclosure will encourage malpractice lawsuits. Disclosure will encourage litigation against insured attorneys, given the availability of insurance recovery. The argument that no attorney will take a case against an uninsured attorney seems to confirm this position. Alternatively, uninsured attorneys may be targeted by questionable malpractice claims for the purpose of forcing a quick settlement given that personal assets will be at risk.

7. Other professionals don't disclose - No other professional is required to inform a client if he or she does not have PLI.

If I can be of further assistance, please do not hesitate to contact me.

Thank you,

Barbara Young

Barbara Schwarz Young

Young, Libersky & Holbrook
2313 Birdcreek Terrace
Temple, Texas 76502
254/774-1996

Barbara Young

From: Bell County Bar Assoc. [|
Sent: Friday, October 09, 2009 8:17 PM
To: Barbara S. Young
Subject: Fw: Re: IMPORTANT MESSAGE FROM BARBARA YOUNG!

--- On Fri, 10/9/09, Bill Yowell < > wrote:

From: Bill Yowell < >
Subject: Re: IMPORTANT MESSAGE FROM BARBARA YOUNG!
To: "Bell County Bar Assoc." < >
Date: Friday, October 9, 2009, 5:56 PM

Barbara, while I am retired status, I do strongly oppose mandatory disclosure. Attorneys should be selected for their skill and integrity, not their insurance status. Thank you, Bill Yowell, Killeen

----- Original Message -----

From: Bell County Bar Assoc.
To: 05 Confirm
Sent: Friday, October 09, 2009 4:36 PM
Subject: IMPORTANT MESSAGE FROM BARBARA YOUNG!

As you know, the Texas Supreme Court has requested directors of the State Bar of Texas to make a recommendation to the Court on the issue of whether attorneys should have to disclose the existence or non-existence of Professional Liability Insurance (PLI). The vote on this issue will occur in January 2010, and the results of the vote will be provided to the Texas Supreme Court. Obviously a decision on this issue could effect every member of the Bar.

In June 2008, a Task Force on Insurance Disclosure studied the issue and voted 6-5 that no insurance disclosure be required. In response to the Task Force report, the Grievance Oversight Committee recommended that the State Bar, at the direction of the Texas Supreme Court, implement a PLI disclosure rule.

The State Bar has embraced the challenging opportunity to study this issue, to get the word out to the public and the profession, to gather feedback and to make an informed decision in January. There will be public hearings throughout the State in October and November. Additionally, information that is pertinent to the issue can be found at www.texasbar.com/PLIdisclosure - this site is updated frequently. Additionally, Directors of the State Bar will be contacting members from their districts, providing information and requesting feedback. For those of you who are members of Sections of the Bar, Sections and Section Representatives to the Bar will also be contacting their members and providing pertinent information.

I sincerely appreciate the opportunity to speak briefly about the PLI disclosure issue at the Bell County Bar Director's meeting yesterday and during the Fall CLE meeting. Pursuant to the request from the BCLA board, I am providing a list of pros and cons as articulated by the Task Force that studied the issue. I hope this will be of assistance to members. **I look forward to receiving feedback from you all.**

PROS:

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