

NALEB

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December 15, 2009

Mr. John D. Sloan, Jr., State Bar Director
P. O. Drawer 2909
Longview, Texas 75606-2909

VIA FAX: 903-757-7000

IN RE: Angelina County Bar Association Resolution
Professional Liability Insurance Disclosure

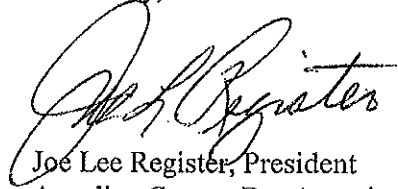
Dear Mr. Sloan:

On October 27, 2009, the Angelina County Bar Association, pursuant to a called meeting to its members, met in Lufkin, Texas, and at said time considered the issues relating to the attorney's required notice to their clients or prospective clients if the attorney was covered by professional liability insurance. Notice of the meeting and subject to be discussed was given to all our bar members, and participation in the meeting of our members was very good. Those present consisted of all our county court at law judges, district court judges, prosecutors, and civil lawyers from both the plaintiffs and defendants bar. After a lengthy discussion, with input from all sections of our bar, we passed a resolution requesting that the Texas Supreme Court, State Bar of Texas, and our legislature object to any requirements of lawyers that they should disclose to their clients if they did or did not have professional liability insurance.

I was requested by our bar members to prepare and submit to you as our State Bar Director a resolution indicating therein our bar association's position on the issue. The Angelina County Bar Association requests that you make known to the State Bar of Texas and the Texas Supreme Court, the position of our bar association and submit the enclosed resolution.

It is further the position of our bar association that all our brother and sister attorneys of the Texas State Bar, through their respective associations join in our position on this issue. Thank you for your assistance in this matter, and should you wish to secure further input from our association, please contact me.

Your truly,

A handwritten signature in black ink, appearing to read "Joe Lee Register". The signature is written in a cursive style with a large, looping initial "J".

Joe Lee Register, President
Angelina County Bar Association

JLR:llb
Enclosure

c: Mr. David Hudson VIA FAX: 903-597-6298
Smith County Bar Association

Ms. Michelle Hunter VIA FAX: 512-427-4100
Executive Director
State Bar of Texas

Ms. Kelley Jones King VIA FAX: 512-427-4100
Assistant Executive Director
State Bar of Texas

RESOLUTION OF THE ANGELINA COUNTY BAR ASSOCIATION

WHEREAS, on October 27, 2009, members of the Angelina County Bar Association met in Lufkin, Texas, at a called meeting for the purpose of discussing business of the association; and

WHEREAS, pursuant to the notice given of said meeting, members of the association were advised of the fact that the Supreme Court of Texas had referred certain matters to the State Bar of Texas, resulting in the creation of a task force to study issues of professional liability insurance as it deals with Texas attorneys. Said issue specifically relates to the requirement of disclosure by Texas attorneys to their clients or prospective clients whether said attorney had or did not have a policy of professional liability insurance at said time; and

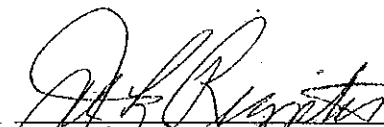
WHEREAS, the members of the Angelina County Bar Association discussed said matter in full, including all pros and cons of such a requirement of the members of the Texas Bar. Further, said discussion by the members of the association included any possible problems within the legal profession in Texas that would bring forth any requirement of the disclosure of professional liability insurance coverage by Texas lawyers. Further, discussion was had relating to consumer protection, requirements of disclosure of insurance coverage by other professionals in Texas, and the personal preference of attorneys to secure insurance coverage; and

WHEREAS, this bar association has concluded that mandated disclosure of professional liability insurance is not warranted and such requirement would have little change in the quality of the legal representation given to the consumer in the State of Texas; and

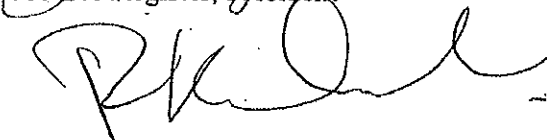
WHEREAS, after careful consideration of the issue, the members of the Angelina County Bar Association, upon motion made and duly seconded, voted unanimously that it be made known to the State Bar of Texas and the Texas Supreme Court this association's opposition to any requirement of Texas lawyers to disclose to their clients the fact that the lawyer has or does not have professional liability insurance; and

THEREFORE, BE IT RESOLVED that the Angelina County Bar Association unanimously opposes any requirement that Texas attorneys be required to disclose to clients or prospective clients that the lawyer has or does not have professional liability insurance coverage.

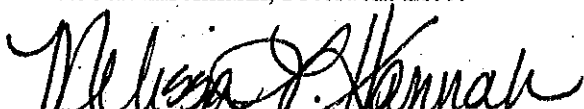
ADOPTED by the members of the Angelina County Bar Association at the meeting held of October 27, 2009.



Joe Lee Register, President



Robert Inselmann, President Elect



Melissa Hannah, Secretary/Treasurer

RESOLUTION OF THE CAMERON COUNTY BAR ASSOCIATION

WHEREAS, the State Bar of Texas, at the request of the Chief Justice of the Texas Supreme Court, has asked for comments on proposals to require Texas Attorneys to maintain malpractice insurance and to disclose the existence and amount of the coverage; and

WHEREAS, the State Bar is scheduled to vote on this issue at its meeting on January 29, 2010; and

WHEREAS, the Cameron County Bar Association has studied this matter carefully, receiving input from its members regarding same; and

WHEREAS, while the Cameron County Bar Association believes it is important for attorneys to carry malpractice insurance, the Cameroun County Bar Association vigorously opposes any rule which would require attorneys to advertise, notify or otherwise disclose the existence and amount of malpractice insurance coverage prior to the formation of the attorney-client relationship for a number of reasons, but in principal, for the following reasons:

1. These proposals, if adopted, would impose new financial obligations on attorneys and create a business relationship encouraging clients to contemplate suing their attorneys.

2. There is no information we are aware of suggesting the disclosures would actually help the public at large;
3. Such requirements are not in the interest of the practicing bar.

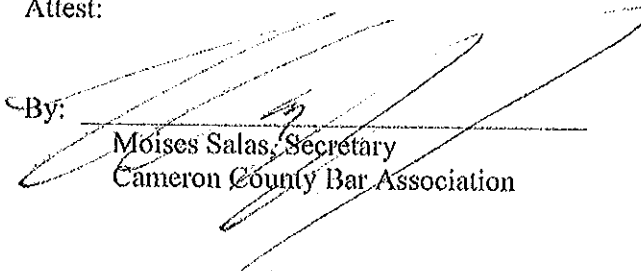
It is therefore RESOLVED, by unanimous vote of the Board of Directors of the Cameron County Bar Association, that the Association opposes any rule requiring the disclosure of the existence and amount of malpractice coverage prior to the formation of an attorney client-relationship. Such disclosure should only be mandatory when a client presents a legitimate claim which may be covered by malpractice insurance.

DONE at Brownsville, Texas this 01st day of December, 2009.

Cameron County Bar Association

By: 
James H. Hunter, Jr. its President

Attest:

By: 
Moises Salas, Secretary
Cameron County Bar Association

SIEBMAN, BURG, PHILLIPS & SMITH

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Marshall Office
713 S. Washington Ave.
Marshall, Texas 75670

PLEASE REPLY TO SHERMAN

November 23, 2009

VIA U.S. MAIL

State Bar of Texas
c/o Ray Cantu
P.O. Box 12487
Austin, TX 78711-2487

RE: Professional Liability Insurance Disclosure

Dear Ray,

I wanted to forward the attached to you. Collin County Bar Association conducted a survey of its members regarding the issue of disclosing Professional Liability Insurance. The attached is a print out of the results along with comments.

Thank you,

Susan M. Fisher
Director District 1



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Response Summary

Total Started Survey: 48
Total Completed Survey: 48 (100%)

Page:

1. Do you believe lawyers should be required to disclose whether they carry professional liability insurance to the public through the State Bar website? [Create Chart](#) [Download](#)

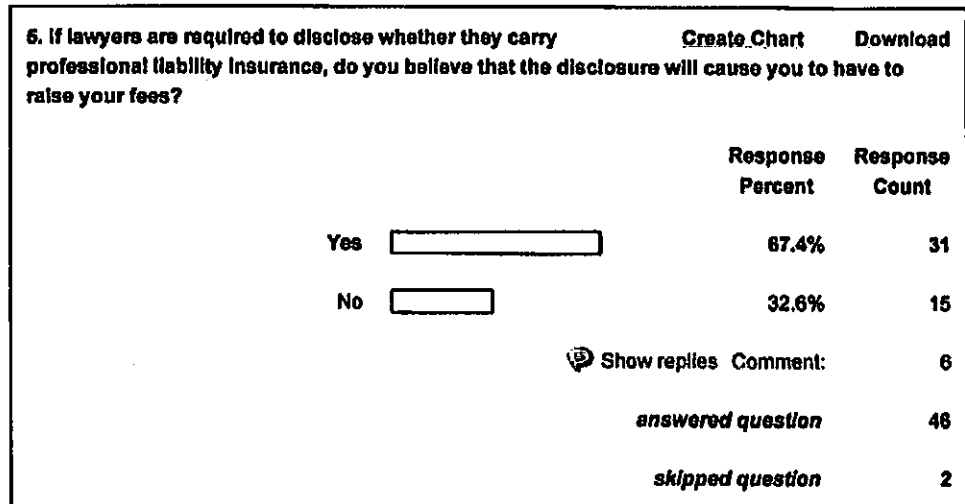
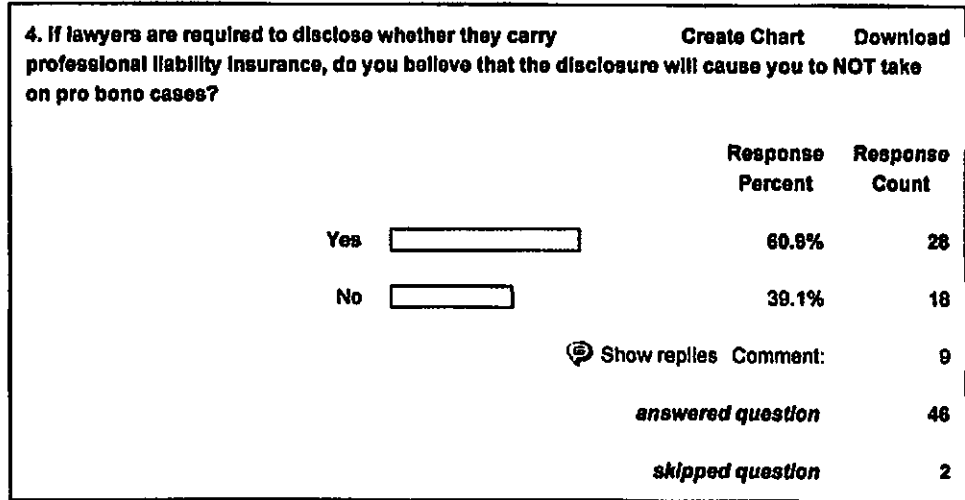
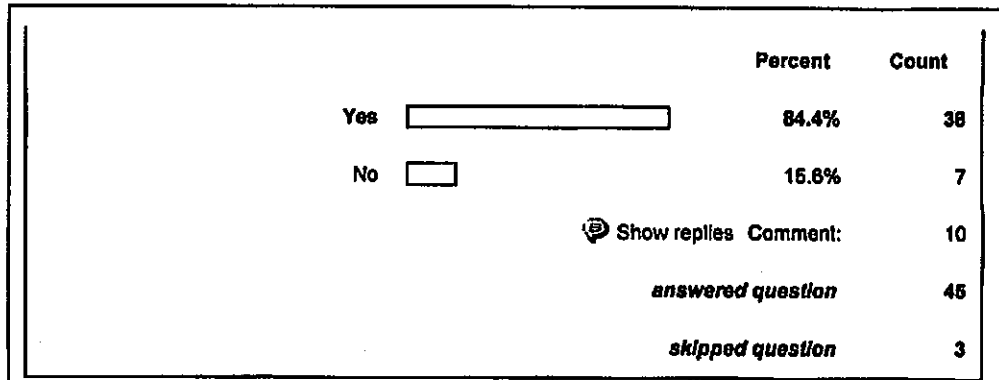
| | Response Percent | Response Count |
|---|------------------|----------------|
| Yes <input style="width: 50px; height: 15px;" type="text"/> | 25.0% | 12 |
| No <input style="width: 150px; height: 15px;" type="text"/> | 75.0% | 36 |
| Show replies Comment: | | 12 |
| <i>answered question</i> | | 48 |
| <i>skipped question</i> | | 0 |

2. Do you believe lawyers should be required to disclose whether they carry professional liability insurance to their clients? [Create Chart](#) [Download](#)

| | Response Percent | Response Count |
|---|------------------|----------------|
| Yes <input style="width: 30px; height: 15px;" type="text"/> | 10.4% | 5 |
| No <input style="width: 170px; height: 15px;" type="text"/> | 89.6% | 43 |
| Show replies Comment: | | 12 |
| <i>answered question</i> | | 48 |
| <i>skipped question</i> | | 0 |

3. If lawyers are required to disclose whether they carry professional liability insurance, do you believe that the disclosure will promote unwarranted litigation? [Create Chart](#) [Download](#)

| | Response Percent | Response Count |
|--|------------------|----------------|
|--|------------------|----------------|



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Response Summary

Total Started Survey: 48

Total Completed Survey: 48 (100%)

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1. **Do you believe lawyers should be required to disclose whether they carry professional liability insurance to the public through the State Bar website?** [Create Chart](#) [Download](#)

| | Response Percent | Response Count |
|---------------------------------------|------------------|----------------|
| Yes <input type="checkbox"/> | 25.0% | 12 |
| No <input type="checkbox"/> | 75.0% | 36 |
| <input type="checkbox"/> Hide replies | Comment: | 12 |

- 1. I do not understand why this requirement is being considered. As far as I know, neither doctors nor CPAs are required to disclose whether they carry professional liability insurance, so why would lawyers be required to disclose this fact? Thu, Nov 12, 2009 10:26 PM [Find...](#)
- 2. It will increase marginal litigation due to the pay off of an insurance policy and it will increase the cost of legal services as attorneys will pass on their costs to their clients. Wed, Nov 11, 2009 8:32 AM [Find...](#)
- 3. I view this issue as giving the client and public a choice as to whether they are going to use an attorney who is essentially "bonded" for malpractice, or whether they are going to take their chances. Tue, Nov 10, 2009 1:57 PM [Find...](#)
- 4. It might invite malpractice claims. Tue, Nov 10, 2009 1:31 PM [Find...](#)
- 5. To do so could invite litigation Tue, Nov 10, 2009 1:29 PM [Find...](#)
- 6. Disclosure of insurance information encourages lawsuits. Tue, Nov 10, 2009 1:05 PM [Find...](#)
- 7. It will lead to more problems than it will solve. Tue, Nov 10, 2009 11:53 AM [Find...](#)
- 8. There are problems with any disclosure, but I'd rather have this than more paperwork with each Tue, Nov 10, 2009 10:12 AM [Find...](#)

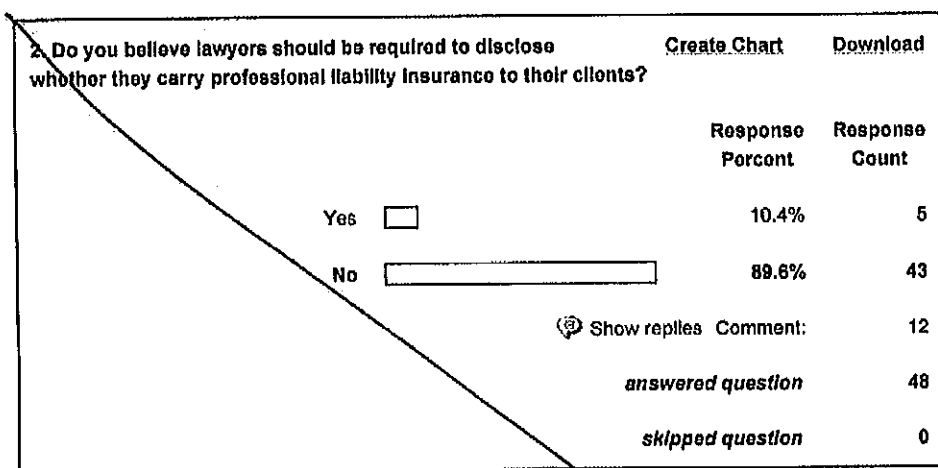
client.

| | | | |
|-----|--|----------------------------|-------------------------|
| 9. | Just stop it with the overregulation already. It'll just be one more thing that we have to worry about, and I frankly don't believe the public cares. If a client wants to know, they can ask me, or maybe I'll opt to voluntarily disclose it. Liability Insurance is for my protection...nobody else's. | Tue, Nov 10, 2009 10:05 AM | Find... |
| 10. | I believe this should be addressed during the initial client interview if the potential client is concerned about the existence of insurance. | Tue, Nov 10, 2009 9:41 AM | Find... |
| 11. | I think this movement is an attempt by bigger firms and insurance companies to squeeze smaller practitioners. I understand the need for professional liability insurance but the fact of the matter is that the more sophisticated clients (medium sized corporations and bigger) will not hire a firm without coverage. They certainly know to ask. Some practices really aren't conducive to liability insurance such as criminal defense. In those instances the consumers would get a false sense of the quality of a lawyer or law-firm based on an arbitrary factor -- whether they carry professional liability insurance where it isn't really needed. | Tue, Nov 10, 2009 9:26 AM | Find... |
| 12. | If so, only limited to whether or not they carry insurance and nothing further. | Tue, Nov 10, 2009 9:10 AM | Find... |

25 responses per page

answered question 48

skipped question 0



3. If lawyers are required to disclose whether they carry professional liability insurance, do you believe that the disclosure will promote unwarranted litigation?

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Response Summary

Total Started Survey: 48

Total Completed Survey: 48 (100%)

Page:

1. Do you believe lawyers should be required to disclose whether they carry professional liability insurance to the public through the State Bar website? [Create Chart](#) [Download](#)

| | Response Percent | Response Count |
|---------------------------------------|------------------|----------------|
| Yes <input type="checkbox"/> | 25.0% | 12 |
| No <input type="checkbox"/> | 75.0% | 36 |
| Show replies Comment: | | 12 |
| <i>answered question</i> | | 48 |
| <i>skipped question</i> | | 0 |

2. Do you believe lawyers should be required to disclose whether they carry professional liability insurance to their clients? [Create Chart](#) [Download](#)

| | Response Percent | Response Count |
|---------------------------------------|------------------|----------------|
| Yes <input type="checkbox"/> | 10.4% | 5 |
| No <input type="checkbox"/> | 89.6% | 43 |
| Hide replies Comment: | | 12 |

- See comment above to #1. Thu, Nov 12, 2009 10:28 PM [Find...](#)
- See comment above. Wed, Nov 11, 2009 8:32 AM [Find...](#)
- If a client asks, of course we should tell them. But I wouldn't require attorneys to inform clients unless asked. Tue, Nov 10, 2009 3:01 PM [Find...](#)
- I view this issue as giving the client and public a choice as to whether they are going to use an [Find...](#)

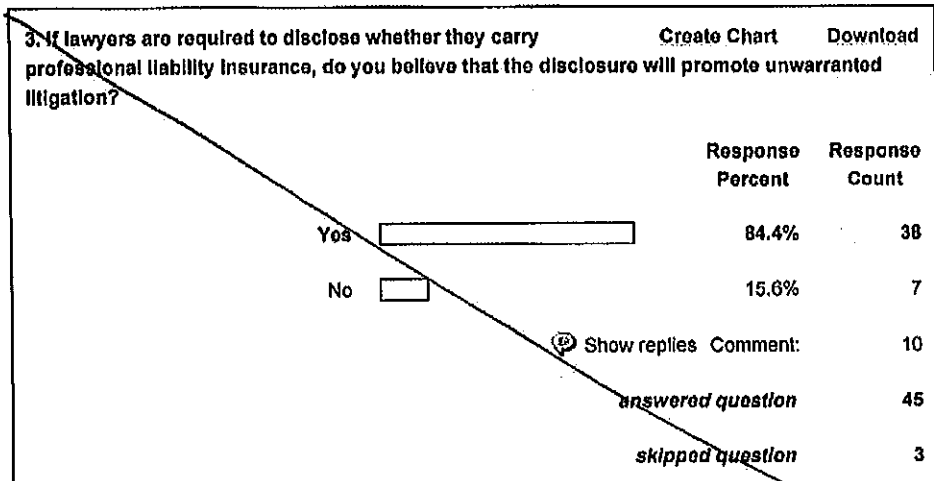
attorney who is essentially "bonded" for malpractice, or whether they are going to take their chances.

| | | |
|--|----------------------------|---------|
| 5. Only if asked by the client. | Tue, Nov 10, 2009 1:31 PM | Find... |
| 6. Same reason. | Tue, Nov 10, 2009 1:05 PM | Find... |
| 7. Same answer | Tue, Nov 10, 2009 11:53 AM | Find... |
| 8. If asked, certainly. But, not a requirement that it be affirmatively set forth without inquiry. | Tue, Nov 10, 2009 10:55 AM | Find... |
| 9. Clients don't want longer fee agreements and more boilerplate to sign. They're free to ask, and I will tell them. If the law allows me to refuse to disclose when a client asks, maybe that should change. | Tue, Nov 10, 2009 10:12 AM | Find... |
| 10. Clients have an interest in such knowledge and it's an important consideration. | Tue, Nov 10, 2009 9:41 AM | Find... |
| 11. Again, see the response above. I do believe a lawyer should disclose this in the event they are being engaged on matters which are worth over a certain amount and in certain types of cases. If a lawyer is handling a criminal matter or a civil matter where the firm has assets sufficient to settle and/or pay a malpractice judgment then I think a disclosure is silly. | Tue, Nov 10, 2009 9:26 AM | Find... |
| 12. It may either promote additional litigation or run small firms out of business. At the very least, I will have to raise my rates to cover the cost. This will have an effect on those clients who can barely afford my fees now. | Tue, Nov 10, 2009 9:10 AM | Find... |

25 responses per page

answered question 48

skipped question 0





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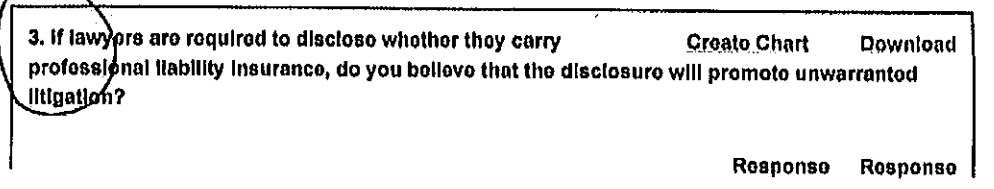
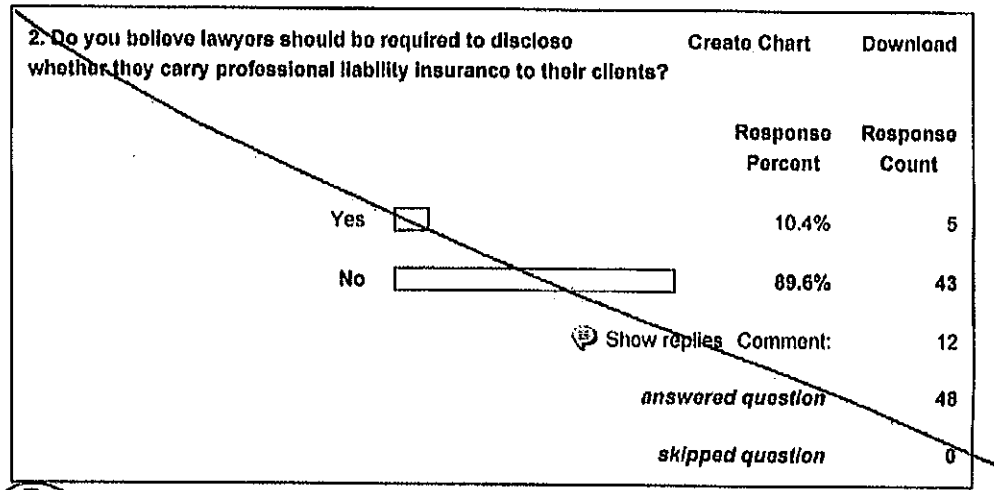
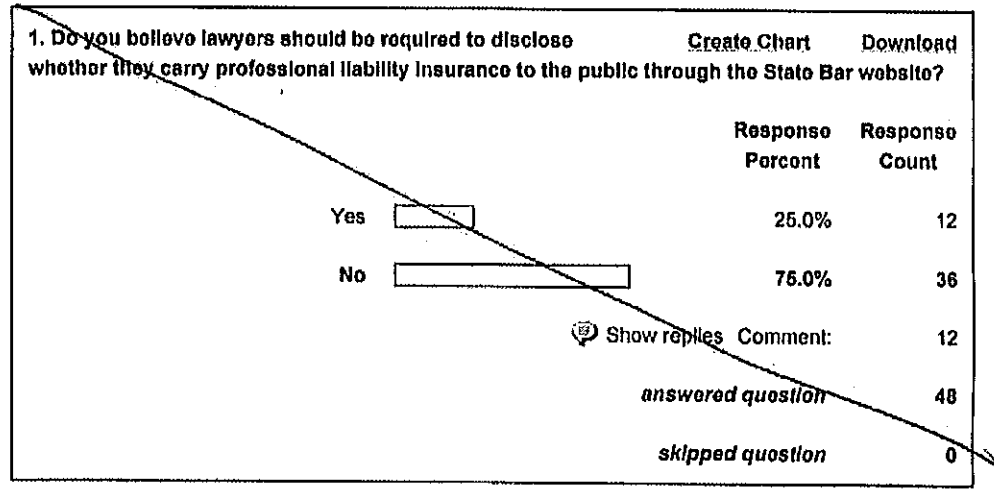
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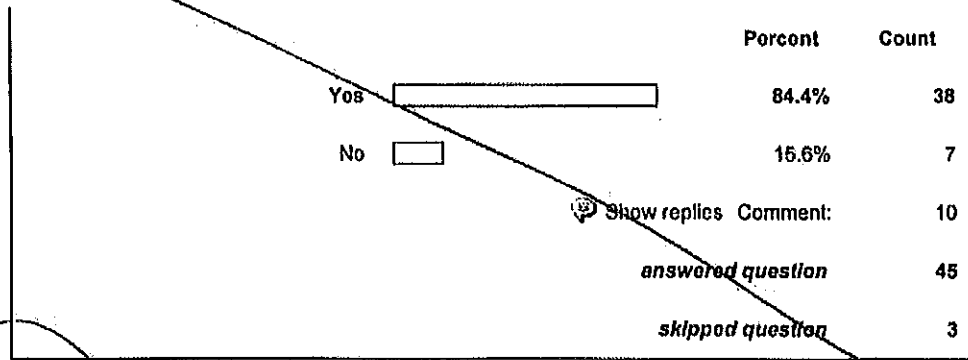
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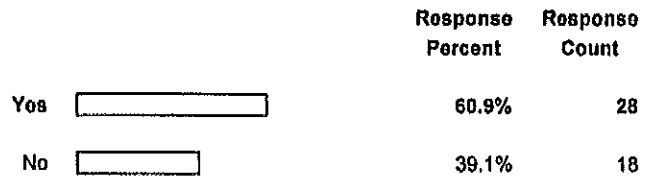
| | Percent | Count |
|---|----------------------------|-------------|
| Yes <input type="checkbox"/> | 84.4% | 38 |
| No <input type="checkbox"/> | 15.6% | 7 |
| Hide replies | | Comment: 10 |
| 1. Unfortunately, some clients will see it as an invitation to frivolously sue their attorney since they know the attorney has a "deep pocket" insurance company on the hook, who may settle even a baseless lawsuit just to make the case go away. | Thu, Nov 12, 2009 10:26 PM | Find... |
| 2. See comment to question 1 above. | Wed, Nov 11, 2009 8:32 AM | Find... |
| 3. I believe such a requirement would demonstrate to clients that their attorney is professionally responsible enough to carry insurance in the event of catastrophe. | Tue, Nov 10, 2009 3:07 PM | Find... |
| 4. No more so than bond claims in construction litigation. It would be appropriate to require that there be an affidavit in a legal malpractice claim - similar to that required in medical malpractice claims. | Tue, Nov 10, 2009 1:57 PM | Find... |
| 5. It's possible. | Tue, Nov 10, 2009 10:55 AM | Find... |
| 6. I don't know. | Tue, Nov 10, 2009 10:12 AM | Find... |
| 7. It's a real possibility. | Tue, Nov 10, 2009 9:41 AM | Find... |
| 8. It probably won't but it certainly may. | Tue, Nov 10, 2009 9:26 AM | Find... |
| 9. No doubt. | Tue, Nov 10, 2009 9:10 AM | Find... |
| 10. Not sure. | Tue, Nov 10, 2009 9:08 AM | Find... |
| <i>answered question</i> | | 45 |
| <i>skipped question</i> | | 3 |

| 4. If lawyers are required to disclose whether they carry professional liability insurance, do you believe that the disclosure will cause you to NOT take on pro bono cases? | | Create Chart | Download |
|--|------------------|----------------|----------|
| | Response Percent | Response Count | |
| Yes <input type="checkbox"/> | 60.9% | 28 | |
| No <input type="checkbox"/> | 39.1% | 18 | |
| Show replies | | Comment: | 9 |
| <i>answered question</i> | | | 46 |



4. If lawyers are required to disclose whether they carry professional liability insurance, do you believe that the disclosure will cause you to NOT take on pro bono cases?

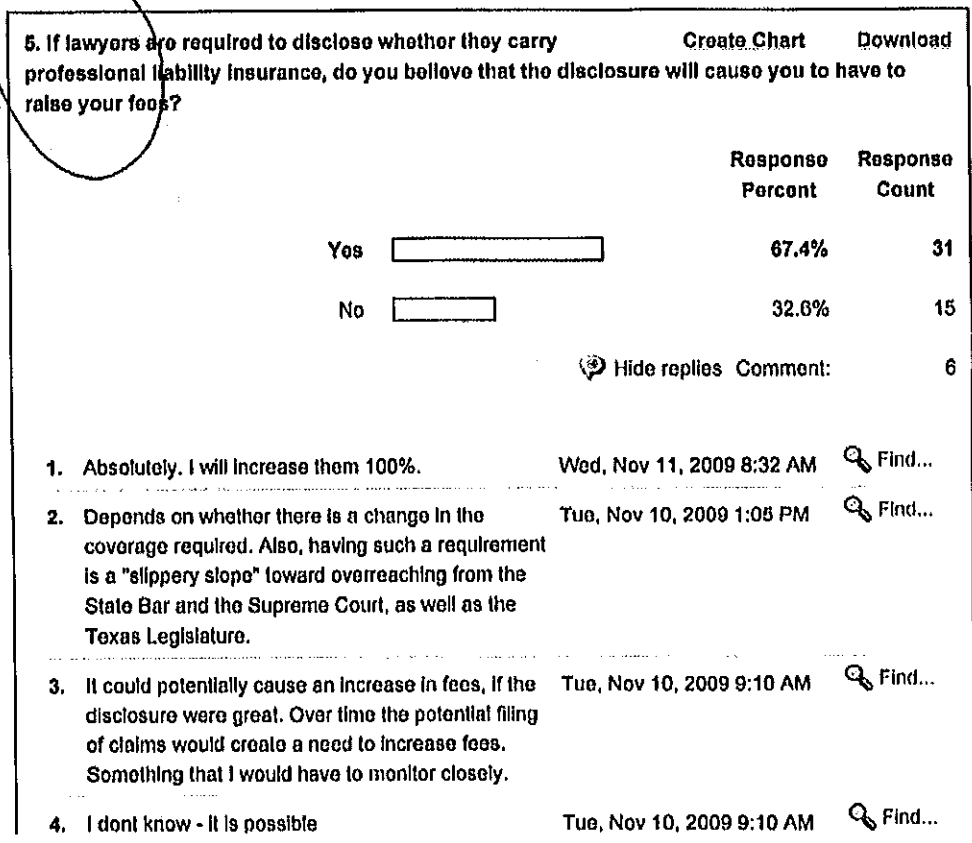
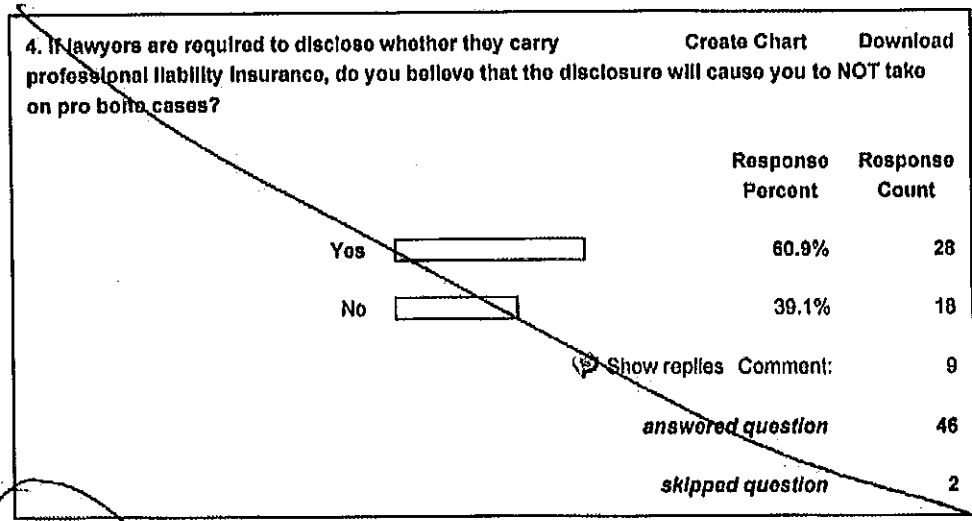
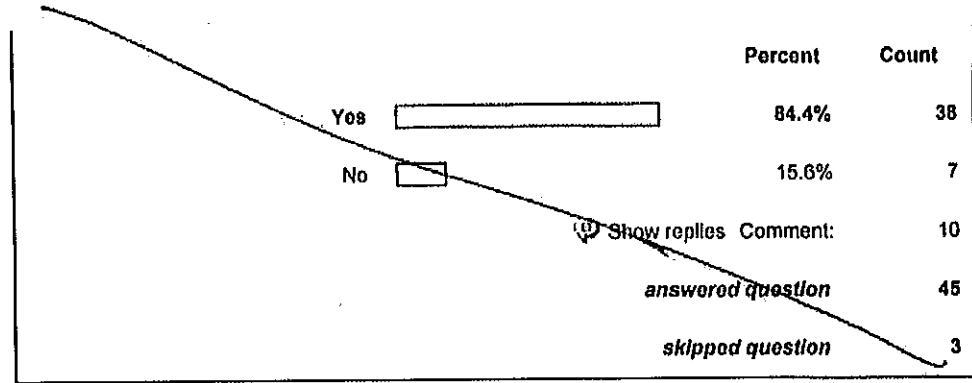
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Hide replies Comment: 9

1. I don't think it would discourage me from taking pro bono cases generally, but it would make me think twice about taking complicated pro bono cases. Wed, Nov 11, 2009 9:59 AM Find...
2. When people do not pay or pay reduced fees, they have a sense of entitlement, are greedy of a lawyer's time and do not care about their costs to a firm. Wed, Nov 11, 2009 8:32 AM Find...
3. However, the bar association needs to provide the malpractice coverage. Tue, Nov 10, 2009 1:57 PM Find...
4. Absolutely! Pro Bono clients are the most likely to file grievances and lawsuits against lawyers. Tue, Nov 10, 2009 1:05 PM Find...
5. The great majority of my pro bono cases are received from LANWT, which provides malpractice coverage for such cases. Tue, Nov 10, 2009 11:53 AM Find...
6. I will only take Pro bono through Legal Aid, where their insurance coverage covers me on those cases. I will not take pro bono/no fee cases otherwise. Tue, Nov 10, 2009 9:10 AM Find...
7. This is a difficult question because it doesn't allow for less pro bono cases Tue, Nov 10, 2009 9:10 AM Find...
8. I will never risk taking a pro bono case! Tue, Nov 10, 2009 9:10 AM Find...
9. not sure Tue, Nov 10, 2009 9:08 AM Find...

answered question 46



| | | |
|---------------------------|---------------------------|---|
| 5. Without a doubt | Tue, Nov 10, 2009 9:10 AM |  Find... |
| 6. probably | Tue, Nov 10, 2009 9:08 AM |  Find... |
| | <i>answered question</i> | 46 |
| | <i>skipped question</i> | 2 |

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Newsletter

January 2010

Time Running Out to Comment on Mandatory Professional Liability Insurance Disclosure

The deadline for submitting your comments on the question of whether lawyers should be required to disclose whether they have professional liability insurance is fast approaching. The State Bar of Texas Board of Directors will vote on the Issue during their January 29th meeting in San Antonio. The October-November Newsletter contains the background with regard how the matter was raised and why the vote is necessary.

The President of the Tarrant County Bar Association in his January message to the members of the Tarrant County Bar Association noted that the following are among the Issues raised by the question:

How much would a requirement that lawyers disclose whether they have professional-malpractice-liability insurance raise clients' legal costs in Texas?

If lawyers are required to disclose whether they have professional-malpractice-liability insurance, how soon would other licensed Texas professions be required to do the same?

If lawyers are required to disclose whether they have professional-malpractice-liability insurance, how could they do it in a manner that is complete, accurate, and informative?

In a "claims made" policy era, would today's disclosure whether a lawyer has professional-malpractice-liability insurance become tomorrow's misrepresentation because of the changing effects of

the internal operations of such policies?

What would be the impact on solo and small firm lawyers of mandatory disclosure of whether lawyers have professional-malpractice-liability insurance?

How would mandatory disclosure of whether lawyers have professional-malpractice-liability insurance affect the trust relationships between lawyers and clients?

How much would a requirement that lawyers disclose whether they have professional-malpractice-liability insurance imply to potential clients that "good" lawyers have professional-malpractice-liability insurance and "bad" lawyers do not?

How often do potential clients ask if a lawyer has professional-malpractice-liability insurance?

What impact would mandatory disclosure of whether lawyers have professional-malpractice-liability insurance have on professional-liability insurers' annual revenues and profits?

Would mandatory disclosure of whether lawyers have professional-malpractice-liability insurance force Texas lawyers to begin major lobbying of the Texas Legislature for liability and damage limits that healthcare providers now have under tort reform?

How is disclosure of whether lawyers have professional-malpractice-liability insurance relevant to a potential client's intelligent selection of the right lawyer for the client's problem?

Would mandatory disclosure of whether lawyers have professional-malpractice-liability insurance decrease or increase Texas citizens' access to justice?

According to SBOT, this will be a Board vote, not a referendum of Texas lawyers. Nevertheless the SBOT states that it is committed to ensuring that all Texas lawyers are aware that this issue is being considered by the Board and that it is seeking your input on the issues presented. In order to do so, an online "comments" page, accessible through www.texasbar.com/plidisclosure, has been posted to Texas Bar Blog. Lawyers and members of the public may also send emails to statebarpresident@texasbar.com or submit written comments to State Bar of Texas, c/o Ray Cantu, P.O. Box 12487, Austin, TX 78711-2487.

In order to help you become more informed on the issue, the November issue of the *Texas Bar Journal* contains "pro" and "con" articles on whether lawyers should be required to disclose whether they have professional liability insurance. Additionally, the SBOT has established a "clearinghouse" of resources that includes the Court's letter to the Board, the reports of the State Bar Task Force and Grievance Oversight Committee, and information on an American Bar Association model rule on insurance disclosure at www.texasbar.com/plidisclosure.

You may also provide input to the District 11 Board Director, Pat Wolter. Mr. Wolter can be reached at pwolter@dakpc.com and (361)888-5551.

New Bond Procedure for Nueces County Jail Commenced January 1st

We thank Sheriff Jim Kaelin for providing the following information concerning new bond procedures:

Under the current process, an individual [lawyer] may post a bail bond for whatever the amount without any proof or assurance of solvency for the amount of the bond that is being posted.

Effective January 1, 2010, a new form

will be required to be [completed] and submitted with the bail bond . . . The new form combines both a statement of "Attorney of Record" and a solvency statement from the [lawyer] for the amount of the bond . . . [The lawyer will be required to have the document notarized or to swear to it before a Texas Peace Officer.]

For the text of Sheriff Kaelin's letter and a copy of the form, see the blast e-mail or e-mail us at dking@corpusbar.com or call 883-4022.

2010 Bar Pictorial Directory Deadline February 15th

The deadline for submitting your updated information for the 2010 Pictorial Directory is Monday, February 15th. You can do it via e-mail, telephone call, or fax. Detailed information is provided *infra*, pages 13 and 14. If you wish your photo updated, we can do it for free in the Bar Association Office. Just give us a call at 883-4022.

Please remember that unless you renew your **AREAS OF PRACTICE** and pay the fee, the ones listed in this year's Pictorial Directory will not be included in the 2010 Pictorial Directory. As with updated information, you may update your **AREAS OF PRACTICE** via e-mail, telephone call, or fax. Detailed information is provided *infra*, pages 13 and 14.

All Nueces County Courthouse Security Passes Expire Friday, January 15th

All Nueces County Courthouse security passes will expire Friday, January 15th. You can apply for renewal of your security pass via mail or runner, but you or a member of your staff must pick-up the new security pass from Anne Hartung in Building Maintenance. A renewal security pass will not be mailed to you. You do have to appear in person if you are applying for a new security pass. See the blast e-mail for all of the details or call 883-4022 to have a hard copy sent to you.



KERR COUNTY BAR ASSOCIATION

October 30, 2009

Ms. Holly Priestner
Communications Project Manager
State Bar of Texas
1414 Colorado
Austin, TX 78701

RE: Professional Liability Insurance Disclosure

Dear Ms. Priestner:

This letter is to respond to your October 19, 2009, email regarding the State Bar Board of Directors' information gathering process on the issue of Professional Liability Insurance Disclosure. Thank you for the offer to send a State Bar representative to discuss this issue with our membership, but we will not have the opportunity to provide the forum to discuss.

However, we have polled our membership on this issue and would like to share the results with the Board. I ask that you include this letter as part of the Board's information gathering.

Of our members that responded to our poll:

- 27 oppose disclosure;
- 3 favor disclosure;
- 1 favors disclosure if insurance is not possessed.

Sincerely,

Robert Henneke
President, Kerr County Bar Association

RESOLUTION OF THE SMITH COUNTY BAR ASSOCIATION

WHEREAS, on November 13, 2009, members of the Smith County Bar Association met in Tyler, Texas at a called meeting for the purpose of discussing business of the association; and

WHEREAS, pursuant to the notice given of said meeting, members of the association were advised of the fact that the Supreme Court of Texas had referred certain matters to the State Bar of Texas, resulting in the creation of a task force to study issues of professional liability insurance as it deals with Texas attorneys. Said issue specifically relates to the requirement of disclosure by Texas attorneys to their clients or prospective clients whether said attorney had or did not have a policy of professional liability insurance at said time; and

WHEREAS, the members of the Smith County Bar Association discussed said matter in full, including all pros and cons of such a requirement of the members of the Texas Bar. Further, said discussion by the members of the association included any possible problems within the legal profession in Texas that would bring forth any requirement of the disclosure of professional liability insurance coverage by Texas lawyers. Further, discussion was had relating to consumer protection requirements of disclosure of insurance coverage by other professionals in Texas, and the personal preference of attorneys to secure insurance coverage; and


WHEREAS, this bar association has concluded that mandated disclosure of professional liability insurance is not warranted and such requirement would have little change in the quality of the legal representation given to the consumer in the State of Texas; and

WHEREAS, after careful consideration of the issue; the members of the Smith County Bar Association unanimously expressed that it be made known to the State Bar of Texas and the Texas Supreme Court this association's opposition to any requirement of Texas lawyers to disclose to their clients the fact that the lawyer has or does not have professional liability insurance; and

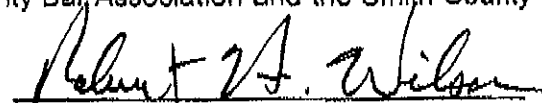
WHEREAS, at a subsequent meeting of the Smith County Bar Association Board of Directors held on December 2, 2009 the Directors present unanimously expressed their opposition to any requirement of Texas lawyers to disclose and in an electronic poll of members, ninety percent of respondents also expressed their opposition and;

THEREFORE, BE IT RESOLVED that the Smith County Bar Association opposes any requirement that Texas attorneys be required to disclose to clients or prospective clients that the lawyer has or does not have professional liability insurance coverage.

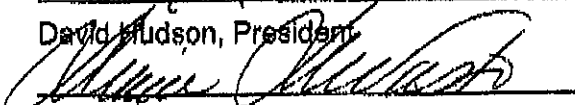
ADOPTED by the members of the Smith County Bar Association and the Smith County Bar Association Board of Directors.



David Hudson, President



Robert H. Wilson, VP/ President Elect



Diane DeVasto, Past President