



MY OPINION

BY ROLAND JOHNSON
PRESIDENT, STATE BAR OF TEXAS

Lawyers' Voices

The word *voice* is not an unusual term for lawyers to encounter. In fact, it is a recurring part of our everyday lives. When an attorney takes part in jury selection, for example, the term *voir dire* is usually discussed. (Of course, in Texas lawyer speak, these two words are pronounced at least 17 different ways.) *Voir dire* is variously defined as “to tell the truth” or “to see them say.” I prefer to think of it as “to *voice* the truth.”

As a Texas lawyer, you are a member of a proud profession. You profess — that is, you *voice* — your belief in the fundamental principles that guide our profession, including the fair administration of justice and the importance of justice for all.

You also give voice on behalf of your clients and the public at large. The State Bar Act, as amended by the Texas Legislature, requires the State Bar to maintain a strategic plan. Through our deeds, we give voice to the six areas outlined in that plan:

- Service to the public
- Service to members
- Protection of the public
- Access to justice
- Sound administration and resources
- Financial management

ENGAGE ONCE

On Friday, Jan. 29, 2010, the State Bar Board of Directors will voice its recommendations to the Supreme Court of Texas on issues related to professional liability insurance disclosure. The Court has asked the Board for its input. Although the text of the motions the Board will consider has not been drafted,

below are two samples to underscore the key issues being considered:

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 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.*

The Board of Directors wants to engage you on these issues. All of the information available to the voting directors on the board is also available to you at www.texasbar.com/plidisclosure. We want to hear your voice. Send an email to statebarpresident@texasbar.com, post a comment to the Texas Bar Blog, or

send written comments to State Bar of Texas Board of Directors, c/o Ray Cantu, P.O. Box 12487, Austin 78701. After the Board votes on a recommendation, we will send materials to the Court for the Court's deliberation.

ENGAGE TWICE

The second matter on which we need you to engage is the Supreme Court's proposed changes to the Texas Disciplinary Rules of Professional Conduct. The proposed rules were published in the November issue of the *Texas Bar Journal* (p. 844). A redlined version is available at www.texasbar.com. We are about halfway through the comment period, which extends to Dec. 31, 2009. Comments should be sent in writing to Kennon L. Peterson, Rules Attorney, P.O. Box 12248, Austin 78711 or by email to kennon.peterson@courts.state.tx.us.

As part of our self-governance, a State Bar task force and a Supreme Court committee made recommendations about the disciplinary rules to the Court. The Court, through its Oct. 20 order, has now given lawyers the opportunity to exercise their voice regarding the rules that govern our profession.

Silence is not an option. Whatever we do will speak volumes about how Texas lawyers engage on issues of importance to the profession and the public we serve. This is an opportunity to show wisdom, prudence, and judgment. I implore you to consider these issues and to engage — to talk to your clients, colleagues, and acquaintances. Help give voice to both their perspectives and your own on these important issues that affect the legal profession and the public we have the honor and duty of serving. ✪