



SELF EVALUATION REPORT
to the
SUNSET ADVISORY
COMMISSION

SEPTEMBER 1, 2015

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STATE BAR OF TEXAS SELF-EVALUATION REPORT

I. Agency Contact Information

A. Please fill in the following chart.

**State Bar of Texas
Exhibit 1: Agency Contacts**

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Michelle Hunter, Executive Director	1414 Colorado, Austin, TX 78701	Phone: 512-427-1500 Fax: 512-427-4108	michelle.hunter@texasbar.com
Agency's Sunset Liaison	Kalyn Laney, Assistant Deputy Director	1414 Colorado, Austin, TX 78701	Phone: 512-427-1758 Fax: 512-427-4108	kalyn.laney@texasbar.com

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The State Bar of Texas is an administrative agency of the judicial branch of Texas state government. It assists the Supreme Court in its exercise of the judicial department's powers under the Texas Constitution to regulate the practice of law. The State Bar is unified or integrated, meaning all attorneys who practice law in Texas are members. As a unified bar, the State Bar of Texas serves both attorneys and the public by providing and coordinating initiatives and programs related to three areas of core competency: public protection, public service, and promoting the professionalism of its members. The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, and educate the public about the rule of law. The mission is based on the purposes clause of the State Bar Act (Texas Government Code Chapter 81), which provides:

In order that the public responsibilities of the legal profession may be more effectively discharged, the state bar has the following purposes:

- (1) to aid the courts in carrying on and improving the administration of justice;
(2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;

- (3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;*
- (4) to provide proper professional services to the members of the state bar;*
- (5) to encourage the formation of and activities of local bar associations;*
- (6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and*
- (7) to publish information relating to the subjects listed in Subdivision (6).*

Organized by areas of core competency, the State Bar's functions include:

PUBLIC PROTECTION

- Administering the attorney disciplinary and disability system in accordance with the Texas Rules of Disciplinary Procedure
- Assisting the public in resolving disputes with lawyers that do not involve misconduct or unethical behavior
- Providing for identification, peer intervention, and rehabilitation of licensed attorneys whose professional performance is impaired because of physical or mental illness or substance abuse
- Providing monetary relief to clients who have suffered financial loss at the hands of dishonest lawyers
- Monitoring the requirement that each licensed attorney complete a minimum of 15 hours of continuing legal education each year (including three hours on ethics/professional responsibility topics)
- Managing the review process for lawyer advertising and disseminating information to lawyers and the public about the rules of lawyer advertising
- Maintaining membership data of all licensed attorneys and collecting attorneys' dues and fees to ensure that only those who have met all licensing requirements are practicing law and that information about licensed attorneys is available to the public

PUBLIC SERVICE

- Assisting groups in the development and expansion of pro bono projects and providing support to staff-based programs that provide free legal services to low income Texans
- Developing and implementing policy initiatives to expand access to and enhance the quality of justice in civil legal matters for low-income Texans
- Coordinating lawyer referral services and certifying legitimate referral services
- Coordinating the more than 25,000-member Texas Young Lawyers Association membership, which operates as the public service arm of the State Bar of Texas
- Helping educators, students, and citizens understand and appreciate the legal system
- Maintaining historical records and archives of the legal profession in Texas

PROFESSIONALISM

- Supporting the State Bar Board of Directors, which is made up of both elected practicing attorneys who provide self-governing leadership and appointed public and minority members to ensure diverse and responsive Bar leadership
- Offering premier continuing legal education courses
- Organizing and supporting sections and committees, which are designed to improve knowledge about the law and provide a variety of services to the public and the profession
- Ensuring effective communications strategies relating to the numerous programs and issues affecting the State Bar, lawyers, and the public
- Disseminating books, legal information, and resources for Texas lawyers
- Increasing involvement of and opportunities for minority attorneys
- Assisting local bar associations
- Planning an annual meeting of the Bar membership
- Preparing law students to practice law in Texas

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

The core functions of the State Bar of Texas continue to serve a clear and ongoing objective. Individually, each State Bar of Texas function provides a necessary service. The totality of the State Bar's activities work together to support the justice system by regulating the practice of law, striving to increase professionalism among lawyers, and serving and protecting the public. The functions of the State Bar of Texas are crucial to the administration of justice because they provide a structure necessary to ensure that all Texans have access to the court system, that the legal profession maintains the highest standards of integrity and professionalism, and that a system for public protection remains strong and easily accessible.

If the State Bar of Texas did not fulfill its core functions, everything from maintaining Bar records, to certifying lawyer referral service programs, to fee-dispute programs, to establishing programs to provide free legal services to poor Texans, to resolving minor client-attorney disputes, to ensuring that Texas lawyers maintain their educational requirements, to protecting the public from unscrupulous attorneys would be in jeopardy. Currently all of these functions and more are completed and expanded as needs arise without funding from the state.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

Texas Government Code §81.0215 requires the State Bar to develop a comprehensive, long-range strategic plan. In each even-numbered year, the Bar drafts a plan covering a five-year period beginning with the next odd-numbered year. As further required by law, the State Bar adopts performance measures based on the purposes and goals expressed in the strategic plan and reports performance outcomes. This process ensures that the activities and goals of the

State Bar of Texas are continuously reviewed and updated to address needs and issues as they arise and to evaluate whether those goals are effective. This process is ongoing and performance measures outcomes are reported to the Supreme Court of Texas annually.

D. Does your agency’s enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency’s operations? If so, explain. Were the changes adopted?

Yes, the State Bar Act, codified in Texas Government Code Chapter 81, provides the basis for all State Bar activities and correctly reflects the agency’s mission, key functions, powers, and duties. The State Bar has not found it necessary to seek changes to its enabling statute in recent history.

However, in Section IX of this report, Major Issues, we have provided some suggestions for changes in statute to improve the State Bar’s operations and service delivery, particularly with respect to lawyer discipline.

The State Bar of Texas does have a legislative program authorizing State Bar sections to seek legislative changes, primarily to statutes that they believe should be updated or fine-tuned. However, these changes are to substantive law and do not impact the State Bar of Texas as an agency or its enabling law.

E. Do any of your agency’s functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The functions of the State Bar of Texas do not duplicate functions of other state and/or federal agencies.

The core functions of public protection, public service, and promoting professionalism are appropriately placed within the purview of the State Bar of Texas. As an administrative agency in the judicial department, the core functions of the State Bar of Texas have been carefully established and maintained.

- The public is well protected, the grievance system is accessible, and grievance panels include both lawyers and members of the public. In addition, licensing and continuing education requirements are monitored and disabled lawyers are assisted, all to protect the public.
- The State Bar has established and been proactive in providing a variety of public services, often related to specific legal issues such as veterans’ issues, educating children about the potential legal ramifications of social media, or assisting citizens whose property has been destroyed by a disaster. The State Bar, through its committees, sections, the Texas Young Lawyers Association, and relationships with local

lawyer organizations throughout the state, is in a position to respond to issues as they arise.

- The State Bar is well equipped to provide lawyers with services to assist with their professional development—from providing continuing legal education courses and legal materials to helping lawyers with the business side of their practice, or helping law students as they enter the practice.

Maintaining the core functions of the State Bar of Texas ensures effective oversight of State Bar members and the efficient administration of justice.

F. In general, how do other states carry out similar functions?

In the United States and its territories, there are 33 unified (or integrated) bars. The core functions administered by unified bars are generally the same: attorney discipline, mandatory continuing legal education, client security funds, lawyers' substance abuse assistance, regulation of lawyer advertising, Interest on Lawyers' Trust Accounts (IOLTA) administration, and maintenance of bar membership rolls. The largest unified bar is the State Bar of California with more than 249,000 members and a \$137 million budget. The State Bar of South Dakota is the smallest unified bar with 2,500 members and a \$1.4 million budget.

States that operate under a voluntary bar system generally have a disciplinary system and other regulatory functions that are carried out by the state's supreme court, or at least are overseen by the state's judiciary in some manner. As with the unified bars, there are wide variances among the voluntary bars of different states—making meaningful comparisons difficult.

G. What key obstacles impair your agency's ability to achieve its objectives?

Overall, the State Bar of Texas is able to achieve its objectives. As an administrative agency of the judicial branch of government, the State Bar is proud to assist the Supreme Court in carrying out and administering the system of justice, and respects the oversight that the Supreme Court has demonstrated. The State Bar of Texas is fortunate to have a large, engaged membership. Volunteers from throughout the state, from all practice areas, continue to contribute their time, energy, and expertise to the profession through service to the State Bar. Technology has made involvement even easier and lawyers are able to volunteer, contribute, and express any concerns quickly. One obstacle that potentially delays updating State Bar Rules is the requirement that new rules or amendments impacting the State Bar administration, including rules of disciplinary conduct and procedure, must go through the referendum process, requiring a general election of all the State Bar members. Because a referendum, like any election, is expensive, a potential rules change might wait for several years before being sent to the membership for a vote.

H. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

There are no anticipated changes in federal law or outstanding court cases that will impact the State Bar's key functions.

I. What are your agency's biggest opportunities for improvement in the future?

The State Bar of Texas continues to be effective in fulfilling its core functions. Technology continues to bring opportunity for improvement and increased participation, which is a blessing and a challenge. The State Bar, with the support of the Supreme Court of Texas, has been a leader in technology in the way it interacts with both members and the public. Free legal research for members, self-service online tools for profile updates and fee payments, online elections, webcasts of Supreme Court proceedings, online curricula for school children, legal information for consumers, and an online complaint process are all ways that the State Bar of Texas has embraced technology in addressing its core mission. While the explosion of new technology creates an opportunity for the State Bar to reach its members in new ways, it also creates new issues that attorneys have to face. The Bar has the opportunity to assist attorneys in navigating new technology and educating them on how it both assists and affects the practice of law.

Ensuring that all Texans have access to legal services will continue to be a challenge and an opportunity for the legal profession and the State Bar of Texas. With the leadership of the Supreme Court, much advancement has been made in statewide cooperation between federal programs, state programs, local bar associations, and organizations that serve special communities (such as veterans, disabled individuals, children, and victims of domestic violence). While much work has been done, the State Bar of Texas will continue to support and lead efforts to ensure that access to the courts is a reality for all Texans.

The State Bar of Texas must continue to assist lawyers who are unemployed or underemployed. Finding ways to get lawyers to places where there are Texas citizens but few lawyers is a challenge that technology may be able to help address. Continuing efforts to train and retain a diverse profession is also an opportunity that the Bar has prioritized. Texas lawyers continue to bring ideas for improvement and expansion opportunities to the Bar's committees, sections, affiliated programs, and State Bar Board for consideration. The Bar will continue to encourage those efforts within the confines of its core mission.

J. Key Performance Measures

In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.

Because the State Bar does not receive a legislative appropriation, it does not have legislative performance measures. However, the following statistics reflect measures reported to the Supreme Court.

**State Bar of Texas
Exhibit 2: Key Performance Measures — Fiscal Year 2014**

SERVICE TO THE PUBLIC	
Performance Measures for Fiscal Year 2014	Data
Distribution of printed information regarding legal issues and topics of particular relevance to the public	42,275 Pamphlets
Distribution of multimedia information regarding legal issues and topics of particular relevance to the public	51 news releases, media advisories and op-eds
Number of visits to pages on State Bar related websites containing legal information on legal issues of importance to the public	Pamphlets page hits: 46,875 Media page hits: 2,951, unique hits: 1,643 Total hits to State Bar of Texas website: 24,100,428, unique page views: 12,218,159
Traffic to State Bar of Texas social media sites on legal issues of importance to the public	Totals for Facebook and Twitter (not specified re public): <ul style="list-style-type: none"> • 17,010 interactions • 10,310 unique users • 27,796,853 impressions
Number of courses provided to teachers by Law Related Education	166 Law Focused Education teacher training sessions
Number of teachers trained by Law Related Education	6,436 participants at these sessions
Number of students taught by teachers trained by Law Related Education	275,887 students impacted by the teacher training sessions

<p>Law Related Education/Law Focused Education, Inc. website hits</p>	<p>81,124 visits to www.texaslre.org 69,817 visits to www.texasbar.com/civics 25,578 visits to www.texasbar.com/iwasthefirst</p> <p>More than 15,000 <i>I was the First. Vote for Me!</i> books have been distributed to teachers, students, parents, and attorneys across Texas.</p> <p>Feedback on courses included these comments: “All materials have been very useful thus far. Thanks for all your hard work and help with the program!”</p> <p>“Love that I leave with relevant information and lessons that are great, exciting, relevant, and always important, up-to-date.”</p> <p>“Great ideas, resources, and knowledge of the content! Great scholars!”</p> <p>“Thank you—I am so excited about social studies time this coming school year!”</p> <p>“This was amazing!—I enjoyed every minute and am walking away with great knowledge and useful resources!”</p> <p>“Best overall workshops of all I have attended in 22 years. Consistently provides excellent teaching materials. Always highly interesting topics.”</p> <p>“I am so happy I came here. I am still a new teacher in a small district, so I do not have access to many resources (curriculum and ideas). This has helped me sit down, read through it all, and brainstorm new ideas. I am so excited to use these new ideas.”</p> <p>“The best in-service I have been to for world cultures. Organized, usable, and informative. Looking forward to implementing.”</p> <p>“Thanks for renewing my enthusiasm—great techniques and good reminders—I’m always looking for new ways to engage not only my students, but also to continue to engage myself in the process.”</p>
<p>Number of presentations by attorneys/judges in public schools using Texas Young Lawyers Association materials</p>	<p>32 presentations reaching over 1,400 students</p>

Number of those helped by Texas Lawyers for Texas Veterans and by Legal Assistance to Military Personnel programs	Legal Assistance to Military Personnel Program (LAMP) received 85 inquiries through the LAMP intake form online. Texas Lawyers for Texas Veterans assisted over 3,000 veterans
Number of Lawyer Referral Information Service (LRIS) referrals	60,000 referrals 34% to participating attorneys, 36% to other Texas Lawyer Referral services 30% to other Services (legal hotlines, governmental agencies, other State Bar of Texas departments and programs.
SERVICE TO MEMBERS	
Performance Measures for FY 2014	Data
Attendance trends for Texas Bar CLE webcasts	FY 2012 Offerings - 167 Attendance – 9,195 FY 2013 Offerings - 165 Attendance - 14,586 FY 2014 Offerings - 159 Attendance – 9,258
Attendance trends for Texas Bar CLE online continuing legal education	FY 2012 Offerings - 689 Attendance - 60,312 FY 2013 Offerings - 764 Attendance - 88,498 FY 2014 Offerings - 742 Attendance - 77,656
Attendance trends for Texas Bar CLE video courses	FY 2012 Offerings - 72 Attendance – 3,334 FY 2013 Offerings - 63 Attendance – 3,504 FY 2014 Offerings - 69

	Attendance – 3,444
Attendance trends for Texas Bar CLE live courses	<p>FY 2012 Offerings - 86 Attendance - 15,890</p> <p>FY 2013 Offerings - 107 Attendance - 19,027</p> <p>FY 2014 Offerings - 102 Attendance - 17,063</p>
Sales of books by TexasBarBooks	12,050 books and DVDs
Diversity of State Bar of Texas membership	<p>Male = 65% Female = 35%</p> <p>Caucasian = 67.1% Hispanic/Latino = 5.6% African American = 3.5% Asian = 2.0% American Indian = 0.2% Not Specified = 20.3%</p> <p>75% increase in ethnic minority attorneys in last 10 years</p> <p>51% increase in women attorneys in last 10 years</p>
Diversity of State Bar of Texas section membership	<p>Total attorney membership in sections = 68,613</p> <p>80% male attorney members 20% female attorney members (13,197)</p> <p>9% ethnic minority attorney members (5,884)</p> <p>Over the past 10 years the number of Texas attorneys has increased by 30 percent, growing from 73,804 attorneys in the 2004 Bar Year to 94,804 in the 2014 Bar Year. This compares to an increase of 75 percent (9,278 to 16,262) in racial/ethnic minority attorneys and a 51 percent (21,146 to 31,906) increase in women attorneys in the past 10 years.</p>

	<p>Between Bar Year 2004 and 2014, the number of Texas attorneys who were members of one or more State Bar section increased by approximately 36 percent, growing from 29,402 in Bar Year 2004 to 39,950 in Bar Year 2014. The number of racial/ethnic minority attorneys who were members of one or more section nearly doubled, growing from 2,997 in Bar Year 2004 to 5,884 in Bar Year 2014. During this same time, the number of women attorneys in one or more section increased by 58 percent (8,373 to 13,197) between Bar Year 2004 and 2014.</p> <p>From Bar Year 2004 to 2014 the percent of women on State Bar Committees grew by an estimated 39 percent, going from 33 percent of committee members in 2004 to 46 percent in 2014. Representation of racial/ethnic minority attorneys in State Bar Committees grew by an estimated 45 percent from 2004 to 2014, going from 20 percent of committee members in 2004 to 29 percent in 2014.</p>
Diversity of State Bar of Texas committee membership	<p>54% male members 46% female members</p> <p>29% ethnic minority members</p>
Number of member benefits provided to State Bar of Texas members	231 member benefit providers
Number of visits to State Bar of Texas member benefit webpages	1,055
Utilization data re <i>10-Minute Mentor</i> on website	<p>Attorneys - average of 1,658 users per month Law Students - average of 680 users per month</p>
Number of attorneys, law firms, legal departments attending/participating in Texas Minority Attorney Program	191 attendees
Number of attorneys, law firms, legal departments attending/participating in Texas Minority Counsel Program	<p>450 attorneys attended 41 corporations participated 66 sponsoring law firms participated</p>
Utilization data for Texas Lawyers' Assistance Program	<p>Assistance to 586 lawyers, judges, law students. 49 presentations at local bar associations, conferences, continuing legal education events and</p>

	law schools.
Number who voted in 2014 State Bar of Texas elections (officers & directors)	20,514 (22% of eligible voters) 60% voted online 40% voted by paper ballot
PROTECTION OF THE PUBLIC	
Performance Measures for Fiscal Year 2014	Data
Number of contacts the Client-Attorney Assistance Program received (written and by phone)	23,170 contacts (17,559 live calls and 5,611 mail requests)
Number of dispute resolutions conducted by the Client-Attorney Assistance Program(CAAP)	1,127 (attorney/client relationship) Assisted 2,102 inmates (a 48% increase from 2012-2013) Total CAAP actions on behalf of callers/clients - 39,033
Discipline data - number of grievances filed, number of various sanctions, etc.	7,394 Grievances screened and classified 21 Disbarments resolving 21 Complaints 17 Resignations in Lieu of Discipline resolving 55 Complaints 131 Suspensions resolving 104 Complaints 31 Public Reprimands resolving 34 Complaints 65 Private Reprimands resolving 72 Complaints 57 Grievance Referral Program Cases
Number of eligible applications considered by Client Security Fund	Considered 134 applications
Number of eligible applications approved by Client Security Fund	Approved 118
Total amount of grants paid by Client Security Fund	\$1,232,355 (an all-time record for the Client Security Fund)
Data regarding advertising/marketing about Client Security Fund	As we have bi-annually since 2007, we again published a Client Security Fund newsletter (this one was dated January, 2014). It is published on the Bar's website, and was sent to 255 recipients, including DA's offices, victims' assistance offices, Board membership, grievance committee chairs, Supreme

	<p>Court justices, the Grievance Oversight Committee, and co-relevant funds in the other 49 states and the provinces of Canada. A brochure about the Client Security Fund is also published on the website. In addition, an application is now available online, and may be filed electronically. Every year, a representative of our Client Security Fund attends a national meeting of fund administrators and shares information about how to discourage theft of client funds.</p>
Utilization data for Ethics Hotline	Ethics Helpline handled more than 6,000 calls.
Number of ethics offerings and publications by Texas Bar CLE and TexasBarBooks	<p>Texas Bar CLE: Chief Disciplinary Counsel staff did 50 CLE presentations</p> <p>TexasBarBooks: 17 books and 2 DVDs that include ethics material.</p>
ACCESS TO JUSTICE	
Performance Measures for Fiscal Year 2014	Data
Number of legal aid referrals made by the State Bar of Texas to members of the public and to inmates	3,938
Number of legal aid and pro bono attorneys using the free legal research offered through Legal Services Division	350 attorneys 90 paralegals
Number of legal aid and pro bono attorneys using the free malpractice insurance offered through Legal Services Division	58
Number of legal aid and pro bono attorneys provided scholarships to TexasBarCLE events in conjunctions with the Legal Services Division	211
Number of Legal Services Division DVD continuing legal education requests	16
Number of legal aid attorneys provided help through the Student Loan Repayment	100

Assistance Program	
Number of attendees at Legal Services Division annual seminars	Poverty Law Conference = 280 Pro Bono Coordinators Retreat = 79 Pre-Trial Academy = 30
Utilization of Section pro bono initiatives	22,000 pro bono hours reported through Section initiatives
Texas Lawyers for Texas Veterans	Since 2010, over 13,000 veterans have been assisted by over 4,000 attorneys through local bar associations and other attorney volunteer organizations.
SOUND ADMINISTRATION AND RESOURCES	
Performance Measures for FY 2014	Data
Number of trainings provided to staff	Service Skills online customer service training – 459 courses taken (55 employees with licenses) Mediation Training / Dispute Resolution Training – 5-6 hours (9 employees attended) MBTI Training – All staff – (130 employees trained this fiscal year) All new hires receive mandatory EEO training 4 full staff meetings per year. Bar Staff also had two book clubs in FY14: <i>Drive</i> – 73 participants <i>The Amateurs</i> – 65 participants
Ethnic and gender diversity of SBOT staff	Male = 71 (24%) Female = 224 (76%) Caucasian = 190 (64%) African American = 24 (8%) Hispanic = 76 (26%) Asian = 4 (1.5%) NDN = 1 (.5%)

FINANCIAL MANAGEMENT	
Performance Measures for FY 2014	Data
Financial Audit	The result of the most recent financial audit (FY2013) was an unqualified opinion also referred to as a “clean” opinion. The FY2014 financial audit is scheduled to begin August 18, 2014.
Internal Audit	The most recent internal audit (FY2013) resulted in four minor suggestions, all of which have been or are in the process of being implemented.
Reserves Amount	\$9,077,035

Table 2 Exhibit 2 Key Performance Measures

III. History and Major Events

Provide a timeline of your agency's history and key events, including:

- the date your agency was established;
- the original purpose and responsibilities of your agency;
- major changes in responsibilities or statutory authority;
- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

- 1882 Texas Bar Association formed in Galveston with the following objectives: to advance the science of jurisprudence, to promote uniformity of legislation in the administration of justice in the state, and to encourage interaction among its members.
- 1903 Legislature passed a bill requiring all future bar candidates (aspiring attorneys) to take a standard written examination.
- 1927 Texas Bar Association committee began drafting legislation that would unify the Bar.
- 1938 Texas Bar Association opened an office and hired an executive secretary.
- 1938 First *Texas Bar Journal* published.
- 1939 State Bar of Texas created in statute. The State Bar Act established the Bar as a public corporation and mandated that all attorneys licensed to practice law in Texas belong to the State Bar. There were approximately 7,000 attorneys in Texas when the Bar was integrated.
- 1939 First State Bar standing committees (Continuing Legal Education and Professional Economics and Efficiency) were created.
- 1940 State Bar Act amended by Texas Supreme Court order to adopt operating rules, methods of lawyer discipline, and canons of ethics.
- 1940 The Rules of Civil Procedure, prepared by the State Bar, were enacted.

- 1940 First State Bar sections were created. They were the Insurance Law Section, Mineral Law Section, Junior Lawyers Section, District and County Attorneys Section, and Judicial Section.
- 1948 One-day continuing legal education institutes, co-sponsored by the State Bar and local bar associations, were begun.
- 1953 First State Bar headquarters built at 15th Street and Colorado Street in Austin.
- 1954 First State Bar general counsel hired to administer the attorney discipline program.
- 1960 Continuing legal education series of publications began.
- 1976 New Texas Law Center facility opened on same site of first State Bar headquarters, at 15th Street and Colorado in Austin.
- 1978 State Bar membership approved a one-time assessment of members to retire the debt of the Texas Law Center.
- 1978 State Bar membership was 30,500.
- 1979 State Bar Act re-enacted during 1979 Sunset review. The Supreme Court of Texas entered an order that incorporated the State Bar Act. Purposes set forth in both the Act and the order are: "to aid the courts in carrying on and improving the administration of justice; to advance the quality of legal services to the public; to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct; to provide proper professional services to the members of the state bar; to encourage the formation of and activities of local bar associations; to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and to publish information relating to the subjects listed above." The new State Bar Act provided for public members on the board of directors and grievance committees.
- 1979 Supreme Court removed all responsibilities for admissions from the State Bar's Standards of Admission Committee and delegated the responsibility for determining present good moral character and fitness to the Board of Law Examiners.
- 1982 Supreme Court of Texas promulgated changes to the disciplinary rules to regulate advertising by attorneys.

- 1984 State Bar's Interest on Lawyers' Trust Accounts (IOLTA) petition was adopted and promulgated by the Supreme Court as Article XI of the State Bar Rules. Participation in the program was voluntary.
- 1985 In a referendum, State Bar members voted overwhelmingly to implement the Minimum Continuing Legal Education program, which required 15 hours of education a year for each State Bar member.
- 1987 Temporary occupation tax on professionals, including attorneys, was passed by the 70th Legislature.
- 1988 The State Bar created at-large minority positions for minority members on its board of directors.
- 1989 Referendum '89 approved the new Texas Disciplinary Rules of Professional Conduct.
- 1989 Supreme Court signed an order making Interest on Lawyers' Trust Accounts (IOLTA) mandatory for members of the Bar.
- 1990 In Referendum '90, attorneys approved new Rules of Disciplinary Procedure and also restructured and increased membership dues. The new procedure rules established a State Bar committee, the Commission for Lawyer Discipline, to administer the discipline system. State Bar dues have not been increased since this 1990 referendum.
- 1990 State Bar membership neared 55,000.
- 1990 United States Supreme Court ruled in *Keller v. State Bar of California* that the use by an integrated bar of its mandatory dues money to fund political or ideological activities violates the First Amendment right of free speech of those members disagreeing with the activities when such expenditures are not reasonably incurred for the purpose of regulating the legal profession or improving the quality of legal services. State Bar of Texas board amended its policies as necessary to comply with the decision.
- 1991 State Bar Act re-enacted during 1991 Sunset review. As part of the Sunset review, the four minority member directors became voting members of the board. Also, language was included in the purposes of the State Bar to "foster the role of the legal profession in serving the public." Membership in the State Bar was continued as a requirement for attorneys practicing law in Texas, and the State Bar was authorized to continue administration of the attorney disciplinary process.

- 1991 During a state budget crisis, attorneys along with other professionals were assessed \$200 annual fee to increase state revenue during a special session of the Legislature. Fee collection of the attorney occupation tax was handled by the Office of the Comptroller.
- 1991 Gov. Bill and Vara Daniel Center for Legal History opens to public researchers interested in Texas legal history
- 1994 Referendum '94 passed and led to limitation of certain advertisements and direct mail solicitation practices of Texas lawyers.
- 1995 State Bar implemented an online communications effort, "BarLink," which was a forum in CompuServe.
- 1995 Legislature transferred collection of the attorney occupation tax to the Supreme Court with administration of the tax coordinated by the State Bar.
- 1995 United States Congress decreased funding level for federal Legal Services Corporation leading to increased need for new state-level support.
- 1997 First online continuing legal education classes offered on the State Bar Professional Development Program web site.
- 1998 Referendum '98, including proposed changes to the State Bar operating and disciplinary rules, sections' annual meeting requirements, and addition of a chair-elect position to the State Bar Board of Directors, failed. The referendum was ruled invalid by the Texas Supreme Court because of the failure to achieve 51 percent participation by the eligible State Bar members.
- 1999 Office of Chief Disciplinary Counsel and Office of General Counsel became separate entities. Previously, the Office of General Counsel handled disciplinary matters and served as chief legal counsel for the State Bar. This separation provided for the Office of Chief Disciplinary Counsel to handle disciplinary matters and for the Office of General Counsel to handle the State Bar's legal matters.
- 2001 State Bar membership reached 70,000.
- 2001 MyTexasBar debuted on world wide web. Registrations reached 22,000 by June 2001.
- 2001 Texas Access to Justice Commission created by Supreme Court Order and State Bar Board vote to build an integrated civil legal services system.

- 2001 A \$65 voluntary contribution was added to the attorney dues form to support civil legal services to the poor efforts.
- 2003 State Bar Act re-enacted during 2003 Sunset review. Established a statutory framework for the State Bar grievance system and provided for more efficient rule-making by repealing the 51% participation requirement in rule-making and dues referenda. Also, mandated the \$65 legal services fee paid by Texas lawyers.
- 2004 After a top down review of statewide operations to find efficiencies, six field offices were closed and 29 positions were eliminated or consolidated within the chief disciplinary counsel's office. Three regional offices remain open: Dallas, San Antonio, and Houston.
- 2004 Referral Fee Task Force appointed and completes a study and report on the status of referral fees and lawyer advertising in Texas.
- 2004 Members favorably pass Rules Referendum updating Article I Rule 1.04 for division of fees and Article VII (Advertising Rules) of the Texas Disciplinary Rules of Professional Conduct
- 2007 State Bar launches Texas Bar Circle as the first-ever social and professional network by a bar association
- 2007 Renovation begins for the Texas Law Center building to improve staff and building operations. In 2009, the Office of Chief Disciplinary Counsel offices move into the renovated Law Center to centralize operations.
- 2008 Michelle Hunter appointed Executive Director of State Bar
Linda Acevedo selected to serve as Chief Disciplinary Counsel
- 2008 State Bar and Texas Young Lawyers Association begin annual LeadershipSBOT academy as a diversity initiative to provide opportunities for young lawyers to engage in community outreach, service projects, and training as rising leaders
- 2008 Court Administration Task Force appointed and completes a study and report on the status of courts in Texas
- 2010 Texas Lawyers for Texas Veterans launched as a pro bono initiative to improve access to legal services for low-income veterans and their families (texasbar.com/TLTV)
- 2010 State Bar membership reached 87,881 on December 31, 2010.

- 2011 Referendum 2011 held to revise Texas Disciplinary Rules of Professional Conduct. All six items were defeated by members.
- 2013 Three candidates run for President-Elect, including a petition candidate. Trey Apffel was elected.
- 2013 Enrollment begins in the Texas Bar Private Insurance Exchange, a multi-carrier private exchange designed for State Bar of Texas members, their staffs and dependents.
- 2014 Texas Bar Connect launches, a member-only platform with resource libraries and communities for knowledge sharing, replacing Texas Bar Circle
- 2015 Texas Lawyer Oath updated for new attorneys after passage of Senate Bill 534
- 2015 House Bill 7 ends the Occupational Tax for attorneys (repealing Chapter 191 of Texas Tax Code)

IV. Policymaking Structure

- A. Complete the following chart providing information on your policymaking body members.

State Bar of Texas

Member Name	Term / Appointment Dates / Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
VOTING MEMBERS			
Allan K. DuBois	3 yr. President 2015-2016 2014-2017 Elected by State Bar membership	Attorney	San Antonio
Frank Stevenson	3 yr. President 2016-2017 2015-2018 Elected by State Bar membership	Attorney	Dallas
Trey Apffel	3 yr. President 2014-2015 2013-2016 Elected by State Bar membership	Attorney	League City
David Chamberlain	3 yr. Director & Chair 2013-2016 Elected by Bar district membership	Attorney	Austin
Rehan Alimohammad	3 yr. Minority Director 2015-2018 Appointed by State Bar President	Attorney	Sugar Land
J. Benjamin Barlow	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Fort Worth
Barbara Bass	3 yr. Director 2014-2017 Appointed by Supreme Court	Public Member	Tyler

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Micah Belden	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Sherman
Brent Benoit	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Houston
Rebekah Steely Brooker	3 yr. TYLA President 2014-2015 2013-2016 Elected by TYLA membership	Attorney	Dallas
Amy Bryan	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	Stephenville
H. Alan Carmichael	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Sweetwater
Frank Carroll	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Dallas
E. Leon Carter	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	Dallas
Curry L. Cooksey	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	The Woodlands
M. Carter Crow	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Houston

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Diane DeVasto	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Tyler
Richard M. Elliott	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Fredericksburg
Jose "Joe" Escobedo, Jr.	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	McAllen
Sylvia Borunda Firth	3 yr. Minority Director 2014-2017 Appointed by State Bar President	Attorney	El Paso
Ann Greenberg	3 yr. Director 2015-2018 Elected by State Bar President	Attorney	Austin
Joe "Rice" Horkey, Jr.	3 yr. Director 2014-2017 Appointed by Supreme Court	Public Member	Lubbock
Sam Houston	3 yr. TYLA President 2016-2017 2015-2018 Elected by TYLA membership	Attorney	San Antonio
Joseph Indelicato, Jr.	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	Houston
John Jansonius	3 yr. Director 2014=2017 Elected by Bar district membership	Attorney	Dallas

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Andy Kerr	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	San Antonio
Mary Abbott Martin	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	Houston
Brian Miller	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	Corpus Christi
Susan Nelson	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Waco
Gary Nickelson	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Fort Worth
Gail H. Plummer	3 yr. Director 2013-2016 Appointed by Supreme Court	Public Member	Plano
Florentino A. "Tino" Ramirez	3 yr. Director 2013-2016 Elected by Bar district membership	Attorney	Dallas
Ruben S. Robles	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	El Paso
Annapoorni "Anna" Sankaran	3 yr. Minority Director 2013-2016 Appointed by State Bar President	Attorney	Houston

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
A. Ford Sasser III	3 yr. Director 2013-2016 Appointed by Supreme Court	Public Member	McAllen
Lance D. Sharp	3 yr. Director 2014-2017 Elected by Bar district membership	Attorney	Austin
Scott Sherwood	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Panhandle
Rebecca Simmons	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	San Antonio
Scott Stolley	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Dallas
C. Barrett Thomas	3 yr. TYLA President 2015-2016 2014-2017 Elected by TYLA membership	Attorney	Waco
Andrew Tolchin	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Angleton
Travis Torrence	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Houston
Andrew L. Wallace	3 yr. Minority Director 2013-2016 Appointed by State Bar President	Attorney	North Richland Hills

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Michael J. Wynne	3 yr. Director 2015-2018 Elected by Bar district membership	Attorney	Houston
NON-VOTING MEMBERS			
Roger A. Key	1 yr. Immediate Past Chair 2015-2016 Ex Officio	Attorney	Lubbock
Hon. Fred Biery	Federal Judicial Liaison Ex Officio	Federal District Judge	San Antonio
Hon. Phil Johnson	Supreme Court Liaison Designated by Chief Justice Ex Officio	Supreme Court Justice	Austin
Hon. Michael E. Keasler	Court of Criminal Appeals Liaison Designated by Presiding Judge Ex Officio	Court of Criminal Appeals Judge	Austin
Tim Mountz	3 yr. Out-of-State Liaison 2015-2018 Appointed by State Bar President	Attorney	Washington, D.C.
Hon. Patrick A. Pirtle	1 yr. Judicial Section Liaison 2015-2016 Ex Officio as Chair of Judicial Section	Justice, 7 th Cir. Court of Appeals	Amarillo
Alison W. Colvin	3 yr. Section Representative 2013-2016 Elected by State Bar Council of Chairs	Attorney	Brownsville
Phillip Mack Furlow	3 yr. Section Representative 2015-2018 Elected by State Bar Council of Chairs	Attorney	Denton

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Tina Green	3 yr. Section Representative 2014-2017 Elected by State Bar Council of Chairs	Attorney	Texarkana
Patrick J. Maher	3 yr. Section Representative 2014-2017 Elected by State Bar Council of Chairs	Attorney	Fort Worth
Audrey F. Moorehead	3 yr. Section Representative 2015-2018 Elected by State Bar Council of Chairs	Attorney	Dallas
Grant M. Scheiner	3 yr. Section Representative 2013-2016 Elected by State Bar Council of Chairs	Attorney	Houston
Michelle Hunter	Executive Director Ex Officio	Attorney	Austin
Linda Acevedo	Chief Disciplinary Counsel Ex Officio	Attorney	Austin

Table 3 Exhibit 3 Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

Supreme Court State Bar Rules, Art. IV, Sec. 1

- The State Bar shall be governed by a board which shall enforce the act and these rules.
- The board shall take such action and adopt such regulations and policies, consistent with the act and the rules, as shall be necessary and proper for the administration and management of the affairs of the State Bar, for the protection of the property of the state bar and for the preservation of good order.

C. How is the chair selected?

The Chair of the Board of Directors is elected by a majority of the directors present and voting.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The large size of the Board of Directors is primarily due to the need to provide adequate representation of all Texas lawyers and of the public. The State Bar Act requires representation by Bar district, minority directors, and public directors.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2014? In FY 2015?

The Board meets four times each year. In both FY 2014 and FY 2015, the Board held four meetings.

F. What type of training do members of your agency's policymaking body receive?

The training of directors is dictated by Tex. Govt. Code §81.0201. Pursuant to that section, the training provides directors with information regarding:

- legislation that created the state bar and the board
- programs operated by the state bar
- role and functions of the state bar
- rules of the state bar, with an emphasis on the rules that relate to disciplinary and investigatory authority
- current budget of the state bar
- results of the most recent formal audit of the state bar
- requirements of the open meetings law
- requirements of the public information law
- requirements of other laws relating to public officials, including conflict-of-interest laws
- applicable ethics policies adopted by the state bar or the Texas Ethics Commission

The directors also receive training on the investment policies of the State Bar.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

State Bar Board Policy Manual Provisions:

9.01.02 Executive Director. The Executive Director is the chief administrative officer who has full responsibility for the proper administration of the State Bar office and all its facilities and properties, and is subject to review only by the Board.

- (A) Along with the President, the Executive Director is the official spokesperson for the State Bar.
- (B) The Executive Director, after considering the advice of legal counsel, has authority to compromise claims by or against the State Bar up to the amount of \$50,000.
- (C) The Executive Director, upon consultation with the Officers, shall hire in-house legal counsel.
- (D) The Executive Director, upon consultation with the Officers, shall have the authority to retain outside counsel to represent the State Bar in legal matters.

9.02.01 Employment. The Executive Director shall hire and fire all State Bar employees, except assistant disciplinary counsel, investigators and clerical personnel of the Chief Disciplinary Counsel’s office.

H. What information is regularly presented to your policymaking body to keep them informed of your agency’s performance?

In addition to pertinent reports at each meeting, the board receives an annual report on the state bar’s performance measures.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

At each board meeting, there is time allotted for any member of the public to address the board.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

The State Bar Board of Directors is a relatively large governing body representing, as it does, the lawyers and public of Texas. In order to efficiently perform its duties, it utilizes a limited number of Board committees and subcommittees, all of which consist of members of the Board and liaisons to the Board.

Unlike other governmental agencies, the State Bar is also a membership organization whose members consist of all Texas licensed lawyers and much of its service to its members is done through member volunteers. In order to make the most efficient and effective use of these volunteers, the State Bar Board of Directors, pursuant to the State Bar Act and State Bar Rules, establishes standing and special volunteer committees. Each of these committees has a defined area of interest and provide services to State Bar members in accordance with the State Bar Act, the State Bar Rules and the State Bar Board Policy Manual.

More information concerning Board committees and subcommittees, as well as volunteer standing and special committees, can be found in the following table:

**State Bar of Texas
Exhibit 4: Subcommittees and Advisory Committees**

BOARD OF DIRECTOR COMMITTEES/SUBCOMMITTEES			
Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
<p>Administration Committee</p> <p>Subcommittees:</p> <ul style="list-style-type: none"> • Litigation and Contracts • Employment/Salary/Evaluation • Facilities and Equipment • Performance Measures/Strategic Planning • Unauthorized Practice of Law 	<p>Size varies from year to year – average 15 members</p> <p>Composed of members of the Board</p> <p>Members are appointed by Chair of the Board</p>	<p>This committee advises and assists the Executive Director in the administrative operation of the State Bar and assists as directed with other projects having an impact on the internal organization of the State Bar. Its subcommittees oversee specific activities of the State Bar assigned to them by the Administration Committee</p>	<p>State Bar Rules, Art. VIII, Section 1</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p>
<p>Audit and Finance</p>	<p>Size varies from year to year – usually 5 to 7 members.</p> <p>Composed of members of the Board</p> <p>Members are appointed by Chair of the Board</p>	<p>Follow the monthly financial results and report to the Board on matters relating to the State Bar’s financial conditions. Serve as liaison between the independent auditors, investment managers, and the Board by receiving the annual financial audit, internal audit and quarterly investment reports. Review and recommend to the Board necessary changes to policies and procedures to comply with financial best practices and legal requirements, such as the Public Funds Investment Act and the Public Funds Collateral Act.</p>	<p>State Bar Rules, Art. VIII, Section 1</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p>

<p>Budget Committee</p>	<p>Size varies – average 8 members</p> <p>Composed of members of the Board</p> <p>Members are appointed by Chair of the Board</p>	<p>This committee advises and assists the Executive Director in the preparation of the annual budget of the State Bar for the next Fiscal Year.</p>	<p>State Bar Rules Art. V, Section 1</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p> <p>State Bar Board Policy Manual, 3.02.04</p>
<p>Discipline and Client Attorney Assistance Committee</p> <p>Subcommittees:</p> <ul style="list-style-type: none"> • Discipline/CAAP • Client Security Fund 	<p>Size varies – average 12</p> <p>Composed of members of the Board</p> <p>Members are appointed by Chair of the Board</p>	<p>This committee monitors the policies, procedures and practices of the Chief Disciplinary Counsel's office without violating the confidentiality of the grievance process; coordinates with the Commission for Lawyer Discipline to ensure the successful operation of the Discipline/Disability System; facilitates the reporting of the Chief Disciplinary Counsel to the Executive Director on administrative matters; advises the Board and assists the Court as directed concerning any proposed revisions to the Texas Disciplinary Rules of Professional Conduct or the Texas Rules of Disciplinary Procedure; and follows the work of the Commission for Lawyer Discipline and the Board of Disciplinary Appeals.</p> <p>The Client Security Fund Subcommittee administers the Client Security Fund program, considers and acts upon requests for disbursements from the Client Security Fund</p>	<p>State Bar Rules, Art. VIII, Section 1</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p> <p>State Bar Board Policy Manual, Section 1.14.03</p> <p>Client Security Fund Subcommittee acts in accordance with State Bar Board Policy Manual, Section 3.08</p>

<p>Executive Committee</p> <p>Subcommittees:</p> <ul style="list-style-type: none"> • Nominations and Elections • Policy Manual 	<p>Size varies – 5 members mandated by statute / additional members appointed by President / average total membership – 15</p> <p>Composed of members of the Board</p>	<p>From State Bar Board Policy Manual</p> <p>1.15.06 Authority. The Executive Committee shall, at its meetings, consider the agenda for upcoming Board meetings, and may make recommendations to the Board on any matters coming before the Board. The Executive Committee may also take all action and may exercise such authority as has been delegated to it by the Board; provided, however, that such delegation by the Board shall not relieve the Board or any Director of any responsibility imposed upon it, or upon any Director, by law.</p> <p>Additionally, the Executive Committee is required by statute to consider and approve State Bar Standing Committees and to review existing Standing Committees for possible discontinuation or reorganization every other year.</p> <p>Its Nominations and Elections Subcommittee selects and proposes to the Executive Committee and the Board nominees for State Bar President-Elect.</p> <p>Its Policy Manual Subcommittee reviews the State Bar Board Policy Manual and makes recommendations to the Executive Committee and the Board concerning Policy Manual revisions.</p>	<p>Tex. Govt. Code, Ch. 81, Subchapter I</p> <p>State Bar Rules Art. IV, Section 9</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p> <p>State Bar Board Policy Section, 1.14.03</p> <p>State Bar Board Policy Manual, Section 1.15</p> <p>The Nominations and Elections Subcommittee acts in accordance with State Bar Board Policy Manual, Section 2.01</p>
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<p>Member Services and Education Committee</p> <p>Subcommittees:</p> <ul style="list-style-type: none"> • Appeals-Grants Review • New Directors Orientation • Professional Development • Insurance / Member Benefits • Technology Oversight 	<p>Size varies – each subcommittee averages 5-10 members</p> <p>Members are appointed by the Chair of the Board</p>	<p>This committee provides guidance in and oversight of the services and programs offered to State Bar members.</p> <p>Its Appeals-Grants Review Subcommittee hears appeals from decisions of the MCLE Committee and the Texas Board of Legal Specialization and make recommendations to the Member Services and Education Committee and to the Board. This Subcommittee also considers grant requests made by State Bar departments and committees to outside funding sources.</p> <p>Its New Directors Orientation Subcommittee facilitates the training of new directors.</p> <p>Its Professional Development Subcommittee oversees the continuing legal education programs of the State Bar and makes recommendations to the State Bar Board.</p> <p>Its Insurance / Member Benefits Subcommittee oversees the member benefit program of the State Bar and makes recommendations to the State Bar Board.</p> <p>Its Technology Oversight Subcommittee oversees the State Bar technology efforts and makes recommendations to the State Bar Board.</p>	<p>State Bar Rules, Art. VIII, Section 1</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p> <p>State Bar Board Policy Manual, Section 1.14.03</p> <p>Appeals-Grants Review Subcommittee acts in accordance with State Bar Board Policy Manual, Sections 3.10 and 7.07.1</p> <p>New Directors Orientations Subcommittee acts in accordance with Tex. Govt. Code Section 81.0201 and State Bar Rules Art. IV, Section 5.</p> <p>Insurance / Member Benefits Subcommittee acts in accordance with State Bar Board Policy Manual, Section 7.08.</p>
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<p>Public Services and Education Committee</p> <p>Subcommittees:</p> <ul style="list-style-type: none"> • Affordable Legal Services • Legislative Policy 	<p>Size varies – subcommittee membership averages 5-10 members</p> <p>Members are appointed by Chair of the Board</p>	<p>This committee provides guidance in and oversight of the services and programs of interest to the citizens of Texas.</p> <p>Its Affordable Legal Services Subcommittee oversees the State Bar’s efforts to support legal services to the poor and makes recommendations to the Board.</p> <p>Its Legislative Policy Subcommittee oversees the State Bar’s legislative program and makes recommendations to the Board.</p>	<p>State Bar Rules, Art. VIII, Section 1</p> <p>State Bar Board Policy Manual, Section 1.14.01</p> <p>State Bar Board Policy Manual, Section 1.14.02</p> <p>State Bar Board Policy Manual, Section 1.14.03</p> <p>Legislative Policy Subcommittee acts in accordance with State Bar Board Policy, Part VIII.</p>
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STANDING AND SPECIAL COMMITTEES OF THE STATE BAR OF TEXAS

Many of the activities of the State Bar are conducted through the efforts of volunteer attorneys who participate in standing committees of the State Bar. Standing committees are established by the board of directors upon recommendation of the president and subject to approval by the executive committee. Committee chairs and members are appointed by the incoming president with members generally serving three-year terms.

Special Committees of the State Bar are very similar to regular standing committees. The board, either on its own or at the urging of the president, may create by resolution a special committee with defined objectives, powers, and duties. Special committees may be re-established by board vote each year.

For more information about the committees listed below, please refer to the program description entitled "Committees" in Section VII, Guide to Agency Programs.

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Administration of Rules of Evidence	24 members	To concern itself with monitoring the Code of Evidence and with revisions of the Rules of Evidence and the statutes of Texas relating thereto.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Advertising Review	11 members	To concern itself with attorney advertising issues and attorney compliance with the Lawyer Advertising Rules, Part VII of the Texas Disciplinary Rules of Professional Conduct, and review all public media advertising and written solicitation communications submitted for review as required by 7.07 of the Rules.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Annual Meeting (Special Committee)	28 members Serve 1 year terms	To concern itself with the planning of the annual State Bar meeting.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

Child Abuse and Neglect	18 members	To concern itself with studying and evaluating child abuse and neglect; defining the legal profession's role in working to ameliorate the problem; mobilizing the legal profession in the fight against child abuse and neglect; educating the public with regard to the legal and social problems connected herewith.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Commission for Lawyer Discipline	12 Members Six members must be attorneys, and six members must not be attorneys. The president of the state bar appoints the attorney members. The supreme court appoints the public members.	To concern itself with review the structure, function, and effectiveness of the disciplinary and disability procedures implemented pursuant to this chapter and supreme court rules.	Tex. Govt. Code, §81.076 Texas Rules of Disciplinary Procedure Part IV State Bar Board Policy Manual, Part IV
Continuing Legal Education	21 members	To concern itself with monitoring the continuing legal educational needs of lawyers and other professionals, reviewing and making recommendations for any mandatory educational requirements for lawyers to maintain professional competence and promoting appropriate educational programs through TexasBarCLE of the State Bar of Texas.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

Council of Chairs	Each section's chair serves on this committee and there are 44 sections.	The chairs of all sections of the State Bar will meet to discuss items of mutual interest and concerns related to sections and the State Bar. This group will make recommendations to the State Bar Board of Directors as appropriate.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV State Bar Board Policy Manual, Section 5.03
Court Rules	24 members	To concern itself with revisions of the Rules of Practice in civil actions and the statutes of Texas relating thereto, for the purpose of enhancing fairness to the litigants, judicial efficiency and economy, and the reduction of the cost of litigation.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Crime Victims	20 members	To educate the legal profession and the public about legal and social resources available to crime victims.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Disability Issues	18 members	To study the concerns of Texas lawyers with disabilities, as well as clients and members of the public, and make recommendations to the State Bar Board of Directors concerning ways in which the role of the disabled in Texas can be enhanced by improvement in programs and initiatives sponsored by the State Bar.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

Diversity in the Profession	24 members	To examine the historical and current status of minorities in the profession and to make recommendations to the Board of Directors regarding how the bar can take action to enhance employment and economic opportunities for minorities in the profession and to increase involvement by minorities in the Bar.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Jury Service	13 members	To concern itself with improving the manner in which jurors are treated within the judicial process, including compensation; and developing and implementing programs to ensure broad citizen participation in and support for our jury system.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Law Focused Education	22 members	To concern itself with developing, implementing, and augmenting programs for the education of the public in regard to each citizen's legal rights and responsibilities and the roles of the legal profession and the judiciary in protecting those rights and enforcing those responsibilities, and to concern itself with encouraging and supporting the programs of Law Focused Education, Inc.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

<p>Law Practice Management</p>	<p>19 members</p>	<p>To concern itself with: (1) programs, publications, and other activities conducive to the efficient, ethical management of the delivery of legal services; (2) the delivery of legal services at reasonable prices, with sufficient return to ensure the viability of the professional; (3) increasing the management knowledge and skills of the members of the bar.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>
<p>Laws Relating to Immigration and Nationality</p>	<p>22 members</p>	<p>To concern itself with a study of the current or proposed laws pertaining to immigration and nationality, enforcement thereof, the impact upon the public arising from any inadequate or non-enforcement thereof, and make recommendations for any improvements in such laws.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>
<p>Lawyers' Assistance Programs</p>	<p>26 members</p>	<p>To provide for identification, peer intervention counseling, and rehabilitation of attorneys licensed to practice law in Texas whose lives and practices are impaired because of physical or mental illness, including substance abuse, so that they may resume the competent practice of law to not only benefit themselves, but their clients as well.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>

<p>Legal Services to the Poor in Civil Matters</p>	<p>24 members</p>	<p>To concern itself with creation and means of implementation of programs, such as legal aid or pro bono efforts, to assure delivery of legal services to persons who are unable to afford counsel to represent them in civil matters. The composition of the committee includes members of legal aid, legal services and pro bono programs, including at least one director from one of the Legal Services Corp. field programs.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>
<p>Legal Services to the Poor in Criminal Matters</p>	<p>25 members</p>	<p>To study the system of defense of indigent persons in criminal law matters in Texas, collect data and other information relevant to their defense, and to develop recommendations for action by the State Bar of Texas, the Texas legislature, and all other entities that are or should be involved in the provision of quality representation to indigent persons involved in criminal matters.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>

Local Bar Services	22 members	To concern itself with providing services and information to local and specialty bar associations by serving as a liaison between the State Bar and the local association and aiding local and specialty bar associations in developing and carrying out worthwhile projects through the Awards of Merit Program.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Minimum Continuing Legal Education	12 members	To administer the program of minimum continuing education as established by Article XII of the State Bar Rules, formulate rules and regulations not inconsistent with this Article, evaluate through an accreditation system continuing legal education activities applicable to the Rules, and encourage development of high quality continuing legal education activities statewide.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Rules, Art. XII, Section 3 State Bar Board Policy Manual, Part IV
Pattern Jury Charges – Business, Consumer, Employment	24 members	To prepare and periodically revise pattern jury charges for common law and statutory claims encountered in consumer, insurance, business, commercial, and employment litigation. The committee shall consist of a balance of judges, plaintiffs, and defense lawyers with demonstrated expertise in the various areas of practice under review by this committee.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

<p>Pattern Jury Charges – Criminal</p>	<p>21 members</p>	<p>To monitor statutory and case law developments in criminal law and prepare supplementation as needed for Pattern Jury Charges – Criminal. The committee shall consist of a balance of judges and practitioners with demonstrated expertise in the various areas of practice under review by this committee.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>
<p>Pattern Jury Charges – Family and Probate</p>	<p>19 members</p>	<p>To monitor statutory and case law developments in criminal law and prepare supplementation as needed for Pattern Jury Charges – Family and Probate. The committee shall consist of a balance of judges and practitioners with demonstrated expertise in the various areas of practice under review by this committee.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>
<p>Pattern Jury Charges – General Negligence and Intentional Personal Torts</p>	<p>22 members</p>	<p>To monitor statutory and case law developments in the subject matter of this PJC volume and prepare supplementation as needed. The committee shall consist of a balance of judges, plaintiffs, and defense lawyers with demonstrated expertise in the various areas of practice under review by this committee.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>

Pattern Jury Charges – Malpractice, Premises, and Products	25 members	To monitor statutory and case law developments in the subject matter of this PJC volume and prepare supplementation as needed. The committee shall consist of a balance of judges, plaintiffs, and defense lawyers with demonstrated expertise in the various areas of practice under review by the committee.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Pattern Jury Charges – Oil and Gas	16 members	To monitor statutory and case law developments in the subject matter of this PJC volume and prepare supplementation as needed. The committee shall consist of a balance of judges, plaintiffs, and defense lawyers with demonstrated expertise in the various areas of practice under review by the committee.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Pattern Jury Charges – Oversight	18 members	To set appropriate policies and standards, to act as an oversight and coordinating committee for the PJC committees, and to concern itself with the study and formulation of the form of charges submitted for publication through the State Bar's <i>TexasBarBooks</i> . The membership of this committee shall consist of two ex-officio members of the Texas Supreme Court as designated by the Supreme Court, as well as a balance of district and appellate court judges, and a balance of lawyers with demonstrated expertise in the various areas of practice, including plaintiffs and defense lawyers, and general member appointments.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

Professionalism	23 members	To identify factors that influence professionalism and to develop and recommend to the State Bar Board of Directors ways to improve professionalism with particular attention to the professional development of new lawyers.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Public Affairs	21 members	To concern itself with expanding public understanding of the legal system as well as the role of lawyers in that system, and to foster relations with the news media to further these goals.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Real Estate Forms	26 members	To review and update the <i>Texas Real Estate Forms Manual</i> .	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV
Section Representatives to the Board	6 members Elected by Council of Chairs / Appointed by President	To interact with the State Bar Board of Directors to address issues of concern between the bar and sections.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual Section 1.13 State Bar Board Policy Manual, Section 5.02
Texas Bar Journal Board of Editors	17 members	To advise and assist the editor of the Texas Bar Journal with matters of policy, content, and substance.	Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV

<p>Texas Disciplinary Rules of Professional Conduct</p>	<p>26 members</p>	<p>To evaluate the Texas Disciplinary Rules of Professional Conduct and make suggestions to the State Bar Board of Directors concerning revisions that may be appropriate.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>
<p>Women in the Profession</p>	<p>20 members</p>	<p>To assess the status of women in the legal profession; to identify barriers that prevent women lawyers from full participation in the work, responsibilities, and rewards of the profession; to develop educational programs and materials to address discrimination against women lawyers; and to make recommendations to the State Bar Board of Directors for action to address problems identified by the committee.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Art. VIII, Section 1 State Bar Board Policy Manual, Part IV</p>

SECTIONS OF THE STATE BAR OF TEXAS

Sections are composed of lawyers who practice in specialized fields of law or who otherwise have common professional interests. Sections, as created by the board of directors, establish bylaws and collect voluntary membership dues.

For more information about the sections listed below, please refer to the program description entitled “Sections” in Section VII, Guide to Agency Programs.

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Administrative and Public Law Section	14 on council 1,218 total members	The purpose of this section shall be to enhance the role and skills of members of the State Bar of Texas who are engaged in government service or who are engaged in the practice of law before the various governmental agencies, through study, continuing legal education projects and seminars, the dissemination of materials on matters of interest and concern to the membership, and through the exchange of ideas among the membership of this section. It is also the aim of this section to cooperate with and encourage membership in other sections of the State Bar, as well as to encourage broader participation in the State Bar by the many publicly employed lawyers of this State.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

African American Lawyers Section	12 on council 480 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas as they relate to African-American Lawyers.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Alternative Dispute Resolution Section	18 on council 1,249 total members	The purpose of this Section shall be to promote the use and quality of Alternative Dispute Resolution (ADR) in Texas. The purpose may be accomplished through educating members of the Bar and the public about dispute resolution processes and their uses, supporting professional ethical standards, and encouraging the continued advancement of ADR skills.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Animal Law Section	12 on council 407 total members	The purpose of this section is to: (1) Promote and assist members of the profession in the study and understanding of the laws, regulations, and court decisions dealing with legal issues involving animals; and (2) Provide a forum for members of the profession to consider and discuss the legal issues involved in human beings' relationship and coexistence with animals.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

<p>Antitrust and Business Litigation Section</p>	<p>20 on council 1,032 total members</p>	<p>The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the area of gathering, improving, and analyzing existing laws as related to Antitrust and Business Litigation and to keep the members of the State Bar of Texas advised in that respect. All acts of this Section shall be subject to the laws governing the State Bar of Texas and its policies, rules, and regulations.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
<p>Appellate Section</p>	<p>15 on council 1,923 total members</p>	<p>The purposes of this Section are (1) to promote the role and enhance the skills of Texas appellate lawyers, and (2) to improve the practice of appellate law in Texas. The Section shall further these goals by: <ul style="list-style-type: none"> * offering continuing legal education, * disseminating materials on matters of interest to the membership, and * creating opportunities for the exchange of ideas among the membership of the Section. <p>The Section also will cooperate with other Sections, promote the objectives of the State Bar of Texas, and encourage participation in the State Bar by appellate practitioners.</p> </p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>

Asian Pacific Interest Section	5 on council 302 total members	The purpose of this section is to advocate the common professional interests of lawyers of Asian-Pacific Islander heritage and those having an interest in the affairs of the Asian community and the law of countries on the Pacific rim. In addition, the section seeks to utilize the legal skills of its members to promote Asian interests and concerns in both public and private forums throughout the State of Texas. The section strives to address Texas Asian legal concerns in order to heighten public awareness of how such legal issues can affect every facet of life in Texas.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Aviation Law Section	12 on council 316 total members	The purpose of the Aviation Law Section shall be to promote the objectives of the State Bar of Texas and the interest of its members concerning all phases of aviation and space law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

<p>Bankruptcy Law Section</p>	<p>21 on council 1,648 total members</p>	<p>The purpose of this Section shall be to (1) promote the study of Bankruptcy law, (2) study and report on laws and decisions as they may affect the rights of parties in the bankruptcy process, and (3) provide a forum for members of the legal and financial communities interested in Bankruptcy law, and (4) facilitate the provision of pro bono legal services directly by Section members or through qualified legal aid organizations.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
<p>Business Law Section</p>	<p>15 on council 4,562 total members</p>	<p>The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of business law.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>

Collaborative Law Section	8 on council 281 total members	The purpose of this Section shall be to: (1) promote the study and use of collaborative law, (2) study and report on laws and decisions as they may affect the rights of parties in the collaborative law process, (3) provide a forum for members of the profession interested in collaborative law, and (4) provide resources and continuing education for attorneys representing clients participating in collaborative law in the state of Texas.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Computer and Technology Section	14 on council 2,921 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the areas of technology and the law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Construction Law Section	15 on council 2,264 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of construction law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

Consumer and Commercial Law Section	15 on council 1,351 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the particular field designated by the name of the Section, and to that end to create a better understanding and cooperation those attorneys engaged in the practice of consumer and commercial law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Corporate Counsel Section	17 on council 4,020 total members	The purpose of the Section shall be to enhance the role and skills of members of this Section of the State Bar of Texas who are engaged in the practice of law as Corporate Counsel through study, continuing legal education projects and seminars, the dissemination of materials on matters of interest and concern to the membership, and through the exchange of ideas among the membership of the Section.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Criminal Justice Section	11 on council 3,185 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of Criminal Justice.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

Entertainment & Sports Law Section	14 on council 640 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of sports and entertainment law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Environmental & Natural Resources Law Section	15 on council 1,470 total members	The purpose of the Section shall be the promotion of the objectives of the State Bar of Texas within the field of environmental law through the gathering, improvement, and distribution of knowledge of the rapidly developing law of environmental management, control, and enhancement.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Family Law Section	32 on council 5,827 total members	The purpose of the Family Law Section shall be to promote the objectives of the State Bar of Texas by improving Family Law and the practice of Family Law in Texas, subject to the By-Laws of this Section and the laws, rules and regulations of the State Bar of Texas.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

General Practice, Solo & Small Firm Section	21 on council 2,162 total members	The purpose of this Section shall be to enhance the role and skills of lawyers engaged in general practice of law, through study, collection, development, and dissemination of material on subjects of interest and concern to them, cooperating with and encouraging membership in other Sections of the State Bar, gearing its activities to basic principles and procedures and utilizing the publications, meetings, seminars, and committees and other suitable media for this end, thereby promoting the objectives of the State Bar of Texas.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Government Law Section	14 on council 937 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of government law practice.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Health Law Section	17 on council 1,629 total members	The purpose of this Section shall be to promote objectives of the State Bar of Texas within the fields associated with the name of the Section, and, to that end, to create better understanding and cooperation among those attorneys and other professionals engaged in the professions involving the delivery of health care.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

<p>Hispanic Issues Section</p>	<p>16 on council 416 total members</p>	<p>The purpose of this Section shall be to study and report on laws, judicial decisions and governmental regulations as they may affect the particular needs of the Hispanic community of Texas, to provide a common meeting ground and forum for members of the profession for consideration of special issues with respect to the recognition and enjoyment of constitutional rights of the Hispanic Community, both individually and collectively, and to take such action with respect thereto, all subject to these Bylaws and the laws, rules and regulations of the State Bar of Texas.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
<p>Immigration and Nationality Law Section</p>	<p>10 on council 1,014 total members</p>	<p>The mission of the State Bar of Texas Immigration & Nationality Law Section is to promote the administration and development of Immigration & Nationality Law in the State of Texas; to assist members currently engaged in practicing this diverse and dynamic area of the law; to sponsor and promote advanced CLE programs covering various topics within this 'practice; and, to provide updates on legislation, community-outreach projects, and policy changes affecting this area of the law in a semi-annual newsletter to members.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>

Individual Rights and Responsibilities	9 on council 240 total members	The purpose of this Section shall be to study and report on laws, decisions and governmental regulations as they may affect the enforcement of individual rights and the meeting of individual responsibilities under the rule of law, and to provide a common meeting ground and forum for members of the profession for consideration of problems with respect to the recognition and enjoyment of individual rights within the American Constitutional System, on the part of lawyers.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Insurance Law Section	19 on council 1,768 total members	The purpose of this Section shall be to promote on a bi-partisan basis (i.e.- encourage participation by policyholder counsel) the objectives of the State Bar of Texas within the field of insurance law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Intellectual Property Law Section	15 on council 2,482 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of Intellectual Property Law, and to that end, to take such action as may be appropriate thereto, all subject to the By-Laws of this Section and the laws, rules of court and regulations of the State Bar of Texas adopted in accordance with such laws and rules.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

International Law Section	17 on council 948 total members	The purpose of this Section shall be to promote the objectives and purposes of the State Bar of Texas in the field of International Law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
James C. Watson Inn	2 on council 151 total members	The purpose of the Inn shall be to promote the objectives of the State Bar of Texas and, in connection therewith, to perform such duties and promote such objectives as the Executive Council of the Inn and the President of the State Bar of Texas shall mutually determine from time to time.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Judicial Section	17 on council 1,049 total members	The purpose of this Section shall be to promote the objectives of the Judiciary and the State Bar of Texas, and to take such action as may be appropriate to accomplish this, subject to the Bylaws of this Section, the State Bar Act, State Bar Rules and State Bar Board Policy Manual.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

<p>Justice of the Peace Courts Section</p>	<p>8 on council 109 total members</p>	<p>The purpose of the Section shall be to further the administration of justice in the Justice of the Peace Courts, to provide a forum for the exchange of information on matters of practice and procedure in Justice of the Peace Courts, to provide information and educational opportunities for the membership, and to cooperate closely with the State Bar of Texas and other professional organizations in developing, supporting and promoting legal and professional activities affecting Justice of the Peace Courts.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
<p>Juvenile Law Section</p>	<p>14 on council 901 total members</p>	<p>The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the area of gathering, improving and analyzing existing laws as related to Juvenile Law and to keep the members of the State Bar of Texas advised in that respect. All acts of this Section shall be subject to the laws governing the State Bar of Texas and its policies, rules and regulations.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>

<p>Labor & Employment Law Section</p>	<p>18 on council 3,080 total members</p>	<p>The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the field of labor and employment, study and report on laws, decisions and governmental regulations affecting employment and labor relations, to promote the fair and just administration of such laws and regulations, to study and report upon proposed legislation, to encourage members of the Section to meet and confer upon their various problems and to define rules of conduct and procedures based upon fairness, equity, and a recognition of the responsibilities of employers, employees, labor and industry; and to promote cooperation, justice, human welfare, industrial peace and a recognition of the supremacy of law.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
<p>Legislative & Campaign Law Section</p>	<p>10 on council 153 total members</p>	<p>The purpose of the Legislative and Campaign Law Section is to provide education and resources to Texas attorneys who practice in the areas of campaign finance, campaign law, election law, the laws surrounding legislative advocacy, and to those who represent businesses or individuals needing expertise in these areas.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>

<p>LGBT Law Section</p>	<p>9 on council 373 total members</p>	<p>The purpose of the section is to: (1) promote the study of gay, lesbian, bisexual, transgendered, and HIV law; (2) study and report on laws, decisions, and governmental regulations as they may affect the rights, responsibilities, and needs of gay, lesbian, bisexual, or transgendered identified people, as well as persons who are living with HIV; (3) provide a common meeting ground and forum for members of the profession interested in the legal problems of people who identify as gay, lesbian, bisexual, or transgendered, as well as people who are living with HIV; and (4) take action regarding these matters, subject to these bylaws and the laws, rules, and regulations of the State of Texas.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
<p>Litigation Section</p>	<p>25 on council 7,622 total members</p>	<p>The purpose of this section shall be to promote, on a non-partisan basis, the objectives of the State Bar of Texas within the field of litigation.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>

Military and Veterans Law Section	11 on council 683 total members	The purpose of this Section is to promote the objectives of the State Bar of Texas with respect to Military and Veterans Law and to establish and maintain liaison between the State Bar of Texas and the Armed Forces and veterans of the United States, in order to better serve the legal needs of the members of the Armed Forces and veterans of the United States.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Municipal Judges Section	12 on council 323 total members	The purpose of the section is to further the administration of justice, to provide a forum for the interchange of matters of legal import among other Courts of limited jurisdiction, and to cooperate closely with the State Bar of Texas and other professional organizations in developing, supporting and promoting legal and professional activities affecting Municipal Courts.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Native American Law Section	13 on council 176 total members	The purpose of this section is to advocate the common professional interests of Native American lawyers and those having an interest in Native American Law. In addition, the section seeks to utilize the legal skills of its members to promote Native American issues in both public and private forums.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

Oil, Gas & Energy Resources Law Section	15 on council 4,706 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the fields of Oil, Gas and Energy Resources Law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Poverty Law Section	14 on council 479 total members	The purpose of this Section shall be to (1) promote the study of areas of law that particularly impact people living below or near the poverty level, (2) study and report on laws and decisions as they may affect the rights of low-income people, and (3) provide a forum for members of the profession interested in poverty law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Public Utility Law Section	10 on council 520 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas as they relate to Public Utility Law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Real Estate, Probate & Trust Law Section	20 on council 7,926 total members	The purpose of the Section shall be to promote the objectives of the State Bar of Texas (the "State Bar") within the field for real estate, probate, and trust law.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

School Law Section	13 on council 727 total members	The purpose of this Section shall be to promote the objectives of the State Bar of Texas within the area of gathering, improving and analyzing existing laws as related to all matters involving schools and colleges, both public and private, and to keep the members of the State Bar of Texas advised in that respect;	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Tax Section	14 on council 2,119 total members	The purpose of the Section shall be to promote the objectives of the State Bar of Texas within the field of taxation, provide leadership in the practice of tax law, create a better understanding and cooperation between attorneys engaged in the practice of tax law, improve the education of attorneys and related professionals in the laws of taxation, promote the economic and professional interests of the members of the Section and serve the public good.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V
Women and the Law Section	15 on council 697 total members	The purpose of this Section shall be to encourage and facilitate the active and effective participation of women in the legal profession and in the community, and to address the current needs of and issues affecting women.	Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V

<p>Workers' Compensation Section</p>	<p>14 on council 354 total members</p>	<p>The purpose of this Section shall be to (1) promote the study of Workers' Compensation law, (2) study and report on laws and decisions as they may affect the rights of parties in the workers' compensation process, (3) provide a forum for members of the profession interested in Workers' Compensation law, and (4) for attorneys representing injured workers, employers, and insurance companies to carry out the intended purpose of the Workers' Compensation laws of the state of Texas.</p>	<p>Tex. Govt. Code, §81.026 State Bar Rules, Article VIII, Section 1 State Bar Board Policy Manual, Part V</p>
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DIVISIONS OF THE STATE BAR OF TEXAS			
Supreme Court State Bar Rules, Article VIII, Section 1 authorizes the board to establish and maintain divisions of lay persons who study law or who are associated in work with lawyers for the purpose of promoting the objectives of the State Bar within the areas of their study or expertise.			
Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Law Student Division	657 members (2014-2015)	The purpose of the Division shall be to enhance law students' participation in the administration of justice, the advancement of professional responsibility and the implementation of public service programs in cooperation with the Texas Young Lawyers Association and the State Bar of Texas.	Tex. Govt. Code §81.026 / State Bar Rules Art. VIII Sec. 1
Paralegal Division	1,422 members	To enhance legal assistants' participation in the administration of justice, professional responsibility and public service in cooperation with the State Bar.	Tex. Govt. Code §81.026 / State Bar Rules Art. VIII Sec. 1

Table 4 Exhibit 4 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency's funding.

The State Bar of Texas is self-funded through membership dues and a variety of fees, including: fees related to minimum continuing legal education noncompliance, accreditation and reinstatement; fees charged for reviewing attorney advertising and for the lawyer referral service; and disciplinary fees (attorney fees and costs as a sanction for misconduct). The State Bar also receives revenue from continuing legal education and conference registration fees, Texas Bar Journal and online advertising, sales of books and other goods, and royalty income related to the member benefits program (including health insurance, professional liability insurance, and other goods and services). The State Bar of Texas receives no state appropriations.

B. List all riders that significantly impact your agency's budget.

Not applicable.

C. Show your agency's expenditures by strategy.

The State Bar of Texas does not track expenditures by strategy. As a quasi-state entity, the State Bar does not receive state appropriations and the budgetary process does not tie expenditures directly to strategies. The information shown in response to question E in Section VI, Organization, provides expenditures by program and function, which is similar to expenditures by strategy.

D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

State Bar of Texas
Exhibit 6: Sources of Revenue — Fiscal Year 2014 (Actual)

Source	Amount
Membership Dues and Related Fees	\$23,214,883
Continuing Legal Education Seminars, Conferences, Courses, Exams, Etc.	\$13,879,468
Minimum Continuing Legal Education Revenue	\$ 2,850,550
Sale of Goods	\$ 2,524,374
Royalty Revenue	\$1,593,334
Program Sponsorships	\$1,158,723
Advertising & Subscription Revenue	\$992,788
Accounting/Management Revenue	\$657,269

Source	Amount
Grant Revenue	\$525,962
Attorney Disciplinary Revenue	\$421,691
Miscellaneous Revenue	\$289,262
Review of Attorney Advertisements	\$260,250
Attorney Referral Revenue	\$234,435
Rental Revenue (Office Space)	\$147,956
Investment Revenue	\$107,348

Table 5 Exhibit 6 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources.

The State Bar of Texas receives no funds from federal programs.

F. If applicable, provide detailed information on fees collected by your agency.

**State Bar of Texas
Exhibit 8: Fee Revenue — Fiscal Year 2014**

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited
Membership Dues Govt. Code §81.054	Fees are: \$50, \$68, \$148 & \$235*	100,918**	\$19,089,062	Funds are first deposited into the Clerk of the Supreme Court account and then transferred into the General Revenue Fund of the State Bar

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited
Prorated Membership Dues Govt. Code §81.054	Fees are: \$25; \$34; \$74; \$117.50***	976	\$54,824	Funds are first deposited into the Clerk of the Supreme Court account and then transferred into the General Revenue Fund of the State Bar
Texas Occupation Tax Tax Code §191.142	\$16.67/Month or \$200/Year	71,054	\$13,730,595	Funds are collected by the State Bar and transferred to the Texas Comptroller's account
Legal Services Fee Govt. Code §81.054	\$65/Year	71,054	\$4,536,745	Funds are collected by the State Bar and transferred to the Texas Comptroller's account
Advertising Review (Application fee for review of advertising materials)	\$75/Per Ad	3,158	\$236,850	General Revenue Fund of the State Bar
Advertising Review (Non-filer late fee)	\$225/Per Ad	104	\$23,400	General Revenue Fund of the State Bar
MCLE Non Compliance Fee	\$100; \$200 or \$300 (increasing each month of continuing noncompliance)	7,024	\$1,047,475	General Revenue Fund of the State Bar
MCLE Reinstatement Fee	\$400 with additional \$100 per consecutive suspension	475	\$195,400	General Revenue Fund of the State Bar
MCLE Sponsor Accreditation Fee	Minimum \$50	1,626	\$991,766	General Revenue Fund of the State Bar
MCLE Sponsor Late Filing Fee	\$50 or \$100	906	\$480,916	General Revenue Fund of the State Bar

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited
MCLE Member Accreditation Fee	\$25	3,600	\$89,965	General Revenue Fund of the State Bar
MCLE Member Attendance Fee	\$10 - \$25 Per Attendance Entry	180	\$2,080	General Revenue Fund of the State Bar
MCLE Sponsor Attendance Fee	\$2 - \$10 Per Attendance Entry	17	\$828	General Revenue Fund of the State Bar
Guardianship Certification Fee	\$25	1,575	\$39,420	General Revenue Fund of the State Bar

Table 6 Exhibit 8 Fee Revenue

*Membership dues vary depending upon how many years an attorney has been licensed and whether the attorney has active or inactive membership status.

**Includes members paying dues from all categories, including active and inactive attorneys, as well as associate members

***Pro-rated membership dues apply to attorneys joining the State Bar who are licensed on or after December 1st. The dues are prorated to one-half the regular dues amount.

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.**

See Exhibit 1, State Bar of Texas Organizational Chart

- B. If applicable, fill in the chart below listing field or regional offices.**

**State Bar of Texas
Exhibit 9: FTEs by Location — Fiscal Year 2014**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2014	Number of Actual FTEs as of June 1, 2014*
Texas Law Center	Austin	No	191.75	179.74
Chief Disciplinary Counsel	Austin	No	31.0	30.0
Chief Disciplinary Counsel	Dallas	No	23.0	21.99
Chief Disciplinary Counsel	Houston	No	20.0	18.5
Chief Disciplinary Counsel	San Antonio	No	17.0	17.0
			TOTAL: 282.75	TOTAL: 267.23

Table 7 Exhibit 9 FTEs by Location

*Number of Actual FTE's as of 5/31/2014, the last day of the State Bar's fiscal year

- C. What are your agency's FTE caps for fiscal years 2014–2017?**

The State Bar of Texas does not receive state appropriations and, therefore, does not have an FTE cap listed in the General Appropriations Act.

- D. How many temporary or contract employees did your agency have as of August 31, 2014?**

As of May 31, 2014, the last day of the State Bar's fiscal year 2014, the State Bar had 10 temporary employees.

- E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

State Bar of Texas
Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2014

Program	Number of Budgeted FTEs FY 2014	Actual FTEs as of May 31, 2014*	Actual Expenditures
Professionalism	87.25	79.68	\$17,192,460
Public Protection	123.00	118.99	\$12,625,412
Public Service	23.50	21.04	\$4,154,955
Operations	49.00	47.52	\$7,182,471
TOTAL	282.75	267.23	\$41,155,298

Table 8 Exhibit 10 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

For purposes of this report, various programs undertaken by the State Bar of Texas to fulfill its mission have been divided into three core competencies: public protection, public service, and professionalism. These core competencies are supported by other departments that provide executive management and operational assistance. Therefore, the State Bar's program descriptions are divided into four sections:

- Public Protection
- Public Service
- Professionalism
- Operations

While some of the State Bar's programs serve more than one core competency, delineation into these four areas is intended to help demonstrate how the vast array of Bar programs has a united purpose. These programs as a whole help the State Bar fulfill the public responsibilities of the legal profession.

Below is a brief description of the primary purpose of programs organized within the three core competencies and the operations function:

I. PUBLIC PROTECTION

- Advertising Review - managing the review process for lawyer advertising as required by the Texas Disciplinary Rules of Professional Conduct, and disseminating information to lawyers and the public about the rules of lawyer advertising
- Chief Disciplinary Counsel - Administering the attorney disciplinary and disability system in accordance with the Texas Rules of Disciplinary Procedure
- Client-Attorney Assistance Program - Assisting the public in resolving disputes with lawyers in matters that do not involve misconduct or unethical behavior
- Client Security Fund - Providing monetary relief to clients who have suffered financial loss at the hands of dishonest lawyers
- Membership - Maintaining membership data of all licensed attorneys and collecting attorney dues and fees
- Minimum Continuing Legal Education - Monitoring compliance with the requirement that each licensed attorney complete a minimum of 15 hours of continuing legal education each year (including three hours on ethics topics)

- Texas Lawyers' Assistance Program - Providing for identification, peer intervention, and rehabilitation of licensed attorneys whose professional performance is impaired because of physical or mental illness or substance abuse

II. PUBLIC SERVICE

- Archives - Maintaining the historical records and archives of the legal profession in Texas
- Law-Related Education - Helping educators, students, and citizens understand and appreciate the legal system
- Lawyer Referral and Information Service - Coordinating lawyer referral services for unserved areas and certifying referral services
- Legal Access Division - Assisting groups in the development and expansion of pro bono projects and providing support to staff-based programs that provide free legal services to low-income Texans
- Texas Access to Justice Commission - Developing and implementing policy initiatives to expand access to and enhance the quality of justice in civil legal matters for low-income Texans
- Texas Young Lawyers Association - Coordinating the more than 25,000 member Texas Young Lawyers Association membership and its initiatives as the public service arm of the State Bar of Texas

III. PROFESSIONALISM

- Annual Meeting - Planning an annual meeting of the Bar membership
- Committees - Organizing and supporting State Bar committees to carry out the Bar's statutory purposes
- Communications - Ensuring effective communications strategies relating to the numerous programs and issues affecting the State Bar, the members of the legal profession, and the public, including the Texas Bar Journal, social media, TexasBar.com, and related websites
- Law Student Division - Preparing law students to practice law in Texas
- Local Bar Services - Assisting local bar associations
- Office of Minority Affairs - Increasing involvement of and opportunities for minority attorneys

- Sections - Organizing and supporting State Bar sections which offer association between attorneys engaged in specialized fields of law or who have common interests
- TexasBarBooks - Disseminating books, legal information, and resources for Texas lawyers designed as practical aids for the practice of law
- TexasBarCLE - Offering continuing legal education courses

IV. OPERATIONS

- Executive Management - staff leadership; legal counsel to the Bar; government relations with the Texas Legislature and other entities; support for the Board of Directors
- Accounting - Financial services
- Human Resources - Hiring and personnel services
- Information Technology - Network administration, computer support, call centers and telephony, and customer service
- Purchasing and Facilities - Purchasing, mail center, copy center, and facilities operations
- Research and Analysis - Providing comprehensive research information about the legal profession in Texas to State Bar leaders, local bar associations, members, staff, and the public

I. PUBLIC PROTECTION

The legal profession is predicated on successful relationships between attorneys and their clients. The State Bar of Texas has several programs that serve the public good by fortifying public confidence in the legal system. One of the primary functions of the State Bar is regulating the legal profession by administering the attorney disciplinary and disability system. Another primary function is maintaining the membership roll of licensed attorneys, to ensure that only attorneys who have fulfilled licensing requirements are practicing law, and to make information about licensed attorneys available to the public.

The Public Protection core competency serves the following purposes provided in the State Bar Act:

- 1) to aid the courts in carrying on and improving the administration of justice;
- 2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;
- 3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct; and
- 4) to provide proper professional services to the members of the state bar.

The following programs are described in this section:

- Advertising Review
- Chief Disciplinary Counsel
- Client-Attorney Assistance Program
- Client Security Fund
- Membership
- Minimum Continuing Legal Education
- Texas Lawyers Assistance Program

A. Name of Program or Function: Advertising Review**Location/Division:** Attorney Compliance Division**Contact Name:** Gene Major**Actual Expenditures, FY 2014:** \$151,057**Number of Actual FTEs as of June 1, 2015:** 2 FTEs**Statutory Citation for Program:** Texas Disciplinary Rules of Professional Conduct, Part VII**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The objective of the advertising review program is to protect the public from attorney advertising that is false, misleading, or deceptive. The lawyer advertising rules are part of the Texas Disciplinary Rules of Professional Conduct. The rules apply to licensed Texas lawyers who promote their legal services to the public. The major activities of the program are:

- Review applications and the advertisements that are submitted with the applications to ensure compliance with the Disciplinary Rules of Professional Conduct.
- Educate attorneys about the advertising rules. This is accomplished by developing educational materials, providing free continuing legal education seminars (mostly to local bar associations), and providing other legal seminars regarding marketing and advertising. Staff also provides assistance to attorneys over the phone and through correspondence.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The advertising review program's effectiveness is evidenced by a continued increase in submissions made by licensed Texas lawyers, which indicates familiarity with and compliance with the advertising rules. Since the program's inception, advertising review has received more than 62,000 submissions, with an average of 3,100 per year for the majority of that time. With the increase in Internet websites used by attorneys and firms, the average over the last five years has increased to 3,669 submissions per year. During the most recent five-year average, 35% of all submissions were electronic (Internet) related advertising. The charts below show the number of applications submitted to the department in FY 2014-15 and the number of submissions since 1995.

Cases Filed by Ad Type 2014-2015

Brochure/ Newsletter	Letter	Magazine/Newspaper	TV/Radio	Yellow Pages	Website	Other	Total
142	364	638	864	33	1,505	239	3,785

Cases Filed by Ad Type Since Program Inception in 1995

Brochure/ Newsletter	Letter	Magazine/Newspaper	TV/Radio	Yellow Pages	Website	Other	Total
3,196	6,923	12,848	14,999	7,031	14,128	3,731	62,856

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

State Bar leaders and its members have demonstrated a continued desire to regulate attorney advertisements. The advertising review program was created after licensed Texas attorneys voted to accept the proposed lawyer advertising rules in a referendum held in May 1994. The Texas Supreme Court established July 29, 1995, as the effective date of the lawyer advertising rules. The rules were promulgated as Part VII of the Texas Disciplinary Rules of Professional Conduct (TDRPC), resulting in the Advertising Review Committee being established in April 1995 as a standing committee of the State Bar of Texas. The Advertising Review department was established in July 1995.

The rules were revised in 2004 to include references aligning the rules with advances in technology by including references to Internet websites, electronic communications, and other digital communications.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The advertising review program protects the public from attorney advertising that is false, misleading or deceptive. The advertising rules apply to licensed Texas lawyers who promote their legal services to the public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Attorneys who promote their legal services to the public are required to submit their materials to the Advertising Review Committee. The filing requirements apply to all media, whether it is print, radio, television, outdoor displays, or electronic or written solicitation communications.

Applications are received and processed by the staff of the State Bar's Advertising Review Department to determine compliance with the rules. Each advertisement submitted for review must be accompanied by an application and fee. Advertisements may either be submitted to the department for pre-approval prior to being disseminated to the public or filed contemporaneously with the first dissemination or mailing. If the submission is approved, an approval notice is sent to the attorney along with a stamped "approved" copy of the submission. If the submission is not in compliance, a letter indicating the violation and a copy of the violation is sent to the attorney, who is then given time to either correct the violation(s), or stop disseminating the advertisement. The Advertising Review Committee reviews a small number of ads when State Bar staff members need either clarification or interpretation of the rules. (See [Exhibit 2, Advertising Review Application/Non-Compliance Process Flowchart](#))

Under Rule 7.07(e), TDRPC, certain types of public media advertisements and solicitation communications are exempt from the filing requirements of the advertising rules. Examples of exempt communications include: public media advertisements that contain limited professional and factual information such as the name of the lawyer, address, contact information, areas of practice, board certification, technical or professional licenses granted by Texas or other recognized license licensing authorities, announcement cards indicating new or changed associations, new offices or similar changes, and other factual information as defined by Rule 7.07(e). Other filing exemptions relate to certain types of charitable sponsorships, newsletters, and communications sent to current and past clients.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Advertising Review program is funded by the State Bar's General Revenue Fund. Fees collected by the program are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other entity regulates lawyer advertising in Texas.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers.

If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The goal of the advertising review program is to ensure that attorney advertising and solicitation communications are not false, misleading or deceptive. When reviewing submissions, careful consideration is given to how the public might perceive the information being disseminated. The rules allow attorneys to market their services in a variety of media, and have survived constitutional challenge. In March 1995, the rules were upheld by the U.S. District Court for the Eastern District of Texas in *Moore v. Morales*, 63 F.3d 358 (5th Cir. 1995).

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**

The filing requirements under Part VII, TDRPC are required for attorneys who are disseminating information about their legal services to the public. The regulations are important to ensure that that public is not harmed due to misleading or deceptive attorney advertising. Advertisements that are false, misleading or deceptive may cause consumers to choose legal counsel who may not be qualified to handle the matter, or convince consumers to pursue a legal remedy that may not be appropriate.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Inspections and audits are not necessary in the Advertising Review process.

- **follow-up activities conducted when non-compliance is identified;**

If non-compliance by an attorney is identified through failure to file the advertisement, a certified letter is sent to the attorney advising him or her of the failure to file in a timely manner.

If an attorney's submission is still in non-compliance after the standard application process is exhausted, a file may also be forwarded to the Office of the Chief Disciplinary Counsel (CDC) for initiation of the grievance process. This is a "last resort" measure used when an attorney fails to cooperate through the standard application process. All matters that are sent to the CDC go through the standard grievance procedure.

- **sanctions available to the agency to ensure compliance; and**

If an attorney disseminates advertising information without filing, the attorney must pay a \$250 non-filer penalty along with the application fee of \$100. The attorney is given time to file the advertisement and the standard application process is engaged.

- **procedures for handling consumer/public complaints against regulated entities.**

Complaints against attorney advertising submitted by the public are investigated by department staff. If the advertisement is found to be in non-compliance, a non-filer notice is sent to the attorney as described above.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

**State Bar of Texas
Advertising Review
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2013 and 2014**

	Fiscal Year 2013	Fiscal Year 2014
Total number of regulated persons	94,804	97,236
Total number of regulated entities	n/a	n/a
Total number of entities inspected	n/a	n/a
Total number of complaints received	95	141
Total number of complaints initiated by agency	n/a	n/a
Number of complaints pending from prior years	n/a	n/a
Number of complaints found to be non-jurisdictional	35	63
Number of jurisdictional complaints found to be without merit	n/a	n/a
Number of complaints resolved (resulted in applications filed)	60	78
Average number of days for complaint resolution	20	20
Complaints resulting in disciplinary action:	n/a	n/a
administrative penalty	n/a	n/a
reprimand	n/a	n/a
probation	n/a	n/a
suspension	n/a	n/a
revocation	n/a	n/a
other	n/a	n/a

Table 9 Exhibit 11 Information on Complaints Against Persons or Entities

A. *Name of Program or Function:* Office of the Chief Disciplinary Counsel

Location/Division: Texas Law Center, Austin. The CDC also has regional offices located in Dallas, Houston and San Antonio.

Contact Name: Linda Acevedo, Chief Disciplinary Counsel

Actual Expenditures, FY 2014: \$8,776,183

Number of Actual FTEs as of June 1, 2015: 91 FTEs

Statutory Citation for Program: Tex. Govt. Code §§81.071-81.079, Title 2., Subt. E (“Discipline” subchapter of the State Bar Act)

B. *What is the objective of this program or function? Describe the major activities performed under this program.*

The primary function of the Office of the Chief Disciplinary Counsel (CDC) is to administer the attorney discipline system for lawyers licensed to practice in Texas, under the direction of the Commission for Lawyer Discipline (Commission), a permanent committee of the State Bar.

Overview:

In general, its functions include screening and investigating allegations of professional misconduct and representing the Commission in disciplinary litigation against lawyers. Members of the public, members of the legal community, and judges may submit grievances to the CDC in a variety of ways, including online. Grievance forms are available on the State Bar website (in Spanish and English), in CDC’s regional offices, and in various public places including courthouses and law libraries.

If the CDC determines that a grievance does not allege professional misconduct by a practicing attorney, it is classified as an inquiry and dismissed. Complainants may appeal the CDC’s determination to the Board of Disciplinary Appeals, a separate and independent 12-attorney committee appointed by the Supreme Court of Texas.

If the CDC determines that a grievance alleges professional misconduct, the grievance is classified as a complaint and CDC conducts an investigation. After review and investigation, as described in more detail below, the CDC presents complaints to one of the 17 district grievance committees around the state, each made up of two-thirds attorneys and one-third public members. Acting through panels, the local grievance committees either (1) sit as a summary disposition panel to determine whether a complaint should be dismissed or should proceed into litigation; or (2) sit as an evidentiary panel to determine whether professional misconduct was committed and assess an appropriate sanction. Determinations by the grievance committee’s evidentiary panel may be appealed to the Board of Disciplinary Appeals, and from

there to the Supreme Court. A lawyer charged with misconduct may elect to have the case heard by a district court rather than an evidentiary panel of the local grievance committee, with any appeals from the district court to the civil appellate courts. In both types of proceedings, the Commission for Lawyer Discipline is the client body and is represented by the CDC.

Major Activities:

- Classification (initial screening) of grievances to determine whether professional misconduct is alleged under the Texas Disciplinary Rules of Professional Conduct.
- Referral of grievances classified as inquiries (not determined to allege professional misconduct by an attorney) to another entity, if appropriate. For example, if the subject of the complaint is a judge, the matter is referred to the Judicial Conduct Commission, and if the person is not licensed as an attorney, to the Supreme Court's Unauthorized Practice of Law Committee.
- Investigation of grievances that are classified/upgraded to complaints to determine whether there is just cause to proceed (i.e., whether enough information/evidence exists to believe professional misconduct has occurred, requiring the imposition of a sanction).
- Presentation of cases before local grievance committee panels (summary disposition panels) where CDC has determined there is no just cause to proceed with disciplinary litigation.
- Representation of the Commission in attorney disciplinary proceedings against respondent lawyers before local grievance committee panels (evidentiary panels); district courts; and the Board of Disciplinary Appeals. These proceedings include adjudicatory proceedings to determine whether professional misconduct has occurred and the imposition of an appropriate sanction; compulsory discipline (i.e., when the attorney has been convicted of certain crimes); reciprocal discipline (i.e., when the attorney has been sanctioned in another state); disability proceedings (i.e., when evidence indicates the attorney is impaired); motions to revoke probation; reinstatement from disbarment proceedings; interim suspension proceedings; and all appeals arising from these proceedings before the civil appellate courts, the Supreme Court, and the Board of Disciplinary Appeals.

- Representation of the Commission in cases requiring the appointment of a custodian for an attorney's files, referred to as "assumption of practice". This is necessary when an attorney is suddenly unable to care for his clients' affairs, due to death, serious disability, disbarment, or other similar reason.
- Providing a defense in state and federal court proceedings that arise out of or are related to the attorney discipline system. Defense may be provided to CDC and other State Bar staff, grievance committee members, members of the Commission and the State Bar and its officers and directors.
- Monitoring of disciplinary judgments for compliance with terms of judgments, including terms of probation, restitution, and payment of attorney's fees.
- Administration of disciplinary cases referred by the Commission to the CDC's grievance referral section, a component of the attorney discipline system which serves as a diversion option for minor misconduct cases and cases involving potential mental health or substance abuse issues.
- Administration of the Client Security Fund program, the State Bar's client protection fund, which provides one avenue of redress for persons who suffer pecuniary loss resulting from their funds being stolen or lost or an attorney's retention of wholly unearned fees. CDC reviews and investigates all applications to the Fund and makes recommendations to the State Bar's Client Security Fund Committee for approval or denial. See Part VII, Client Security Fund, for additional information.
- Operation of the toll-free Ethics Helpline, a service to Texas lawyers designed to assist attorneys who have questions about their ethical obligations to clients, courts, and the public under the rules of professional conduct. Examples of calls to the Helpline include questions about conflicts of interest, confidentiality, safekeeping property, candor to the tribunal, fee-splitting or engaging in business with nonlawyers, advertising, and solicitation of clients or business opportunities.
- Administration and liaison support to the Supreme Court Professional Ethics Committee; the Supreme Court Unauthorized Practice of Law Committee; and the State Bar's Texas Disciplinary Rules of Professional Conduct Committee.

- Annual training and education of district volunteer grievance committee members statewide regarding the attorney discipline system and governing statutes and provisions.
- Participation in continuing legal education programs on the attorney disciplinary process and ethics.
- Issuance of certificates of good standing to Texas attorneys upon request. Certificates are generally needed when an attorney is seeking admission to practice before a federal court or in another state.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

CDC performed the following actions (reported as an **average** of data for two fiscal years 2012-13 and 2013-14):

- Screened and classified 7,638 grievances per year.
- Prevailed in 92.2% of cases where a complainant appealed to the Board of Disciplinary Appeals the CDC's determination that a grievance should be classified as an inquiry and dismissed (i.e., the Board agreed with the CDC's determination).
- Conducted 1,597 investigations per year to determine whether, for grievances upgraded to complaints, there was just cause to believe that professional misconduct occurred.
- Presented 1,240 cases per year to summary disposition panels of district grievance committees.
- Resolved 424 complaints per year before grievance committee evidentiary panels, district courts, the Board of Disciplinary Appeals, and the grievance referral program.
- Monitored 355 judgments each year for compliance with terms of judgments.
- Handled 5,800 calls per year to the Attorney Ethics Helpline.

- Collected \$235,703 (2012-2013) and \$126,997 (2013-2014) in restitution for complainants and collected \$335,444 (2012-2013) and \$345,219 (2013-2014) in attorney's fees resulting from judgments of professional misconduct.
- Presented 133 Client Security Fund applications to the State Bar's Client Security Fund Committee, which resulted in grants totaling \$1,080,830.
- Issued 2,422 certificates of good standing per year.
- Provided 24 annual training sessions and developed online training sessions for local grievance committee members; hosted biennial grievance symposium for major participants of the attorney discipline system; conducted annual attorney staff workshop, biennial investigator staff workshop and office manager staff workshop; staff presented 40 continuing legal education courses to Texas lawyers.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

Under Article II, Section 1 of the Texas Constitution and §81.011(c) of the State Bar Act, the Texas Supreme Court has the power to regulate the practice of law in the State of Texas. The State Bar Act gives the Supreme Court administrative control over the State Bar and provides a statutory mechanism for promulgating regulations governing the practice of law. Based on these powers, the Supreme Court promulgated a regulatory scheme governing the practice of law. The prior disciplinary rules were previously codified in Article X of the State Bar Rules. In 1991, those rules were repealed and replaced by the Texas Rules of Disciplinary Procedure which are codified in the Texas Government Code, Tit. 2, Subtit. G, App. A-1.

The disciplinary procedural rules establish the process by which grievances against Texas lawyers are pursued in order to determine whether a violation of the professional conduct rules (Texas Disciplinary Rules of Professional Conduct) has occurred. The rules establish the terms, composition, and method of appointment of the members of the Commission for Lawyer Discipline, the volunteer grievance committee members (whose members comprise both summary disposition panels and evidentiary panels) and the BODA. The rules also prescribe the powers and duties of the grievance committees, the Commission, CDC and BODA.

As a result of the sunset evaluation and legislative enactments in 2003, changes to the attorney discipline system went into effect on January 1, 2004. The principal changes to the system were as follows:

1. Elimination of a respondent's right to appeal a classification decision. Upon receipt of a grievance, CDC determines whether the grievance alleges professional misconduct. This

determination is referred to as classification of the grievance and is made within 30 days of the filing of the grievance. If the grievance does not allege professional misconduct, it is classified as an inquiry and dismissed. If the grievance alleges professional misconduct, it is classified as a complaint and sent to the respondent lawyer for a response. Prior to January 1, 2004, both the complainant and respondent could appeal CDC's classification decision to the Board of Disciplinary Appeals. The Texas Rules of Disciplinary Procedure were amended to eliminate the respondent's appeal of a classification decision.

2. Elimination of an investigatory hearing by local grievance committees to determine just cause. After a grievance is classified as a complaint and the respondent lawyer is given the opportunity to respond, an investigation of the complaint is made to determine "just cause" (i.e, a determination that enough information/evidence exists to believe professional misconduct has occurred, requiring the imposition of a sanction). Prior to January 1, 2004, a panel of the local grievance committee conducted a hearing on every grievance classified as a complaint to determine the existence of just cause. Upon a determination of no just cause, the complaint was dismissed. Upon a determination of just cause, the respondent was notified of the factual allegations and rule violations and given the option to have the case tried in an administrative setting before a local grievance committee panel (evidentiary panel hearing) or before a district court. The Texas Rules of Disciplinary Procedure were amended eliminating this investigatory hearing and providing for the just cause determination to be made by CDC within 60 days after the date by which the respondent lawyer is to file a written response to the complaint.

3. Creation of a summary disposition procedure. The Texas Rules of Disciplinary Procedure were amended to provide that cases in which CDC determines there is no just cause to proceed on a complaint are presented to summary disposition panels for consideration. The summary disposition panel, which is a panel of local grievance committee members, is an independent decision maker and has the discretion to either accept or reject CDC's determination. All information and results of CDC's investigation are presented to the panel at a docket hearing without the presence of either the complainant or respondent. If the panel accepts CDC's determination, the complaint will be dismissed. If the panel rejects CDC's determination, the panel votes to proceed on the complaint.

4. Preservation of confidentiality in cases tried in the administrative setting before evidentiary panels of the grievance committee. Prior to January 1, 2004, investigatory panels of the grievance committee had the ability to enter judgments, including private reprimands, against respondent lawyers and the authority to certify a finding that a respondent lawyer suffered from a disability to the Board of Disciplinary Appeals for consideration. Also, cases tried in the administrative setting before evidentiary panels of the grievance committee and in district court were public proceedings. With the elimination of the investigatory hearing by grievance committees and in order to preserve the ability to impose private reprimands and/or certify disability findings, the Texas Rules of Disciplinary Procedure were amended to provide

for a closed and confidential hearing if a case was tried before an evidentiary panel of the grievance committee. Only if a public sanction resulted does information become public.

5. Providing time periods for different stages of the grievance process. The Texas Rules of Disciplinary Procedure were amended to provide for time periods relating to different stages of the grievance process, including classification, just cause determination, appointment of panels, filing of petitions, discovery deadlines, trial of the case and post-judgment motions.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The program exists to protect the public from lawyers who engage in unethical conduct, to promote the dignity and sanctity of the legal profession, and to afford complainants and accused lawyers a fair and just system for evaluating and adjudicating allegations of professional misconduct for the benefit of the public and profession at large. There are no qualifications or eligibility requirements for members of the public seeking to file complaints. All lawyers licensed to practice law in Texas are subject to the jurisdiction of the attorney discipline system. Beyond public protection, the program seeks to provide support to Texas lawyers who have questions about their ethical obligations; and to provide rehabilitative and preventative measures for improved law office management, to address mental health or substance abuse issues, and to reduce or eliminate future or repeated professional misconduct.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

CDC maintains four regional offices: Austin, Dallas, Houston, and San Antonio. Each of the regional offices contains a full complement of lawyers, investigators, legal assistants and support staff. Each office handles complaints (grievances that are upgraded) according to where the alleged misconduct occurred and/or where the respondent lawyer resides or maintains their principal place of practice. The handling of these cases includes investigation and determination of just cause, presentation of cases before summary disposition panels, and the litigation of cases before evidentiary panels of the grievance committees and in district court.

In addition, grievance classification, the ethics helpline, grievance referral program, compliance monitoring, Client Security Fund administration, issuance of certificates of good standing, all appellate matters, and liaison support for the Professional Ethics Committee and Unauthorized Practice of Law Committee, are handled through the Austin office, CDC headquarters.

(See Exhibit 3, map illustrating the regions serviced by the various offices)

(See Exhibit 4, flow chart illustrating the grievance process)

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Chief Disciplinary Counsel is funded by the State Bar's General Fund. Any attorney fees and costs assessed against respondent lawyers as an ancillary sanction for professional misconduct are deposited in the General Fund.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

The CDC's administration of the attorney discipline system is statutorily mandated by state statute and Supreme Court rules and is not performed by any other agency. The Commission on Judicial Conduct performs a similar function for the judges of the State of Texas. The Supreme Court Unauthorized Practice of Law Committee investigates and takes, where appropriate, civil action seeking to enjoin unlicensed individuals from engaging in the unauthorized practice of law.

Internally, the administration of the State Bar Client Security Fund is overseen by CDC. As explained above, the fund provides one avenue of redress for persons who suffer pecuniary loss resulting from client funds being stolen or lost or an attorney's retention of wholly unearned fees. CDC reviews and investigates all applications to the Fund and makes recommendations to the State Bar's Client Security Fund Committee for approval or denial.

Internally, the State Bar's Client Attorney Assistance Program (CAAP) facilitates communications and fosters productive dialogue in an effort to assist Texas lawyers and their clients in resolving minor concerns, disputes, or misunderstandings within the context of the attorney-client relationship. Individuals often contact CAAP before filing a formal grievance and CAAP has resolved matters without the necessity of a grievance filing. CAAP may not intervene in disciplinary matters, however.

Internally, the State Bar's Advertising Review Committee (ARC) is responsible for reviewing lawyer advertisements and written solicitations as required by the Texas Disciplinary Rules of Professional Conduct. ARC may refer matters to CDC when necessary.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The functions of the CDC program are not duplicated by another agency. There are other programs within the State Bar that also service to protect the public, but the programs address

different needs, operate in concert, and are not duplicative. There are no MOUs, interagency agreements, or interagency contracts involving the CDC.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Generally, CDC works with other entities in the form of sharing information. Under the Texas Rules of Disciplinary Procedure, CDC is allowed to share information relating to disciplinary matters with authorized agencies investigating qualifications for admission to practice, attorney discipline enforcement agencies in other jurisdictions, law enforcement agencies, the State Bar's Client Security Fund, the State Bar's Lawyer Assistance Program, the Supreme Court's Unauthorized Practice of Law Committee and its subcommittees, and the Commission on Judicial Conduct. In addition, as explained above, CDC works cooperatively with other independent entities to perform the functions of the attorney discipline system. These include the Commission for Lawyer Discipline, district grievance committees, the Board of Disciplinary Appeals, and with respect to disciplinary actions filed in district courts, district clerks' offices and court staff. There are, however, no formal legal relationships, memoranda of understanding, interagency agreements, or interagency contracts in place.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The two primary purposes for contracts entered into on behalf of this program are for office space rent for its Houston, Dallas, and San Antonio offices and for hotel and meeting space for internal training workshops, annual grievance committee member training, and Commission for Lawyer Discipline monthly meetings. During the 2013-2014 fiscal year, the Commission held a grievance symposium for all stakeholders to the attorney grievance discipline system in conjunction with its monthly meeting in April of 2014.

- **the amount of those expenditures in fiscal year 2014;**

\$473,814

- **the number of contracts accounting for those expenditures;**

14

- **top five contracts by dollar amount, including contractor and purpose;**

The top five contracts for fiscal year 2013-2014 by dollar amount are as follows:

\$170,785: Cullen Continental II Co., L.P. - office lease for the Houston Regional Office

\$132,034: Princeton Partners LLC – office lease for the Dallas Regional Office

\$127,921: SA Travis Park, LTD - office lease for the San Antonio Regional Office

\$11,502: Hyatt Regency San Antonio – Annual Staff Attorney Conference

\$5,338: Doubletree Guest Suites, Commission for Lawyer Discipline Symposium

- **the methods used to ensure accountability for funding and performance; and**

State Bar staff members continuously monitor the standards of performance specified in the contracts and correct any lapses in performances.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

CDC oversees the administration of the Client Security Fund, which granted more than \$1.3 million to applicants in fiscal year 2013-2014. See Part VII, Client Security Fund, for additional information.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

➤ The CDC suggests revisions to the Discipline subchapter of the State Bar Act, to address outdated/obsolete language and to reflect current practice, including:

- With the elimination of investigatory hearings (resulting from changes to the State Bar Act in 2003), local grievance committee panels no longer conduct hearings to determine just cause (CDC now determines just cause) or have client authority in disciplinary matters that reach litigation. (Commission for Lawyer Discipline is the client for all matters that reach the just cause stage). As such, statutory provisions intended to govern these proceedings should be revised, clarified, and/or eliminated as warranted. See §§81.072(l-o); 81.075(c)(2).
- Through established case law and current rules governing the attorney discipline process, the Commission for Lawyer Discipline is the client and party that brings a disciplinary action against a lawyer. An individual complainant is important to the process as a potential or necessary witness; however, because a complainant is not a party to the proceeding, revisions should be made to clarify an individual complainants role in the system. See §§81.072(6), (10); 81.072(n); 81.075(d).

- Pursuant to §81.072 and the Texas Rules of Disciplinary Procedure, the Board of Disciplinary Appeals is the entity charged with hearing compulsory discipline cases (cases in which lawyers have been convicted of certain crimes). Statutory provisions that conflict with §81.072 should be revised or eliminated. *See* §81.078(a)-(f).
 - The Commission for Lawyer Discipline or a respondent lawyer may appeal a judgment entered by a panel of a district grievance committee to the Board of Disciplinary Appeals and the appeals are governed by the Texas Rules of Appellate Procedure and the Board of Disciplinary Appeals Internal Procedural Rules. The statutory provision governing appeals should be revised to substitute “judgment” in place of “finding.” *See* §81.0751.
 - Attorney discipline trials may be conducted before local panels of the grievance committee or in a district court. Statutory provisions providing only for district court trials and utilizing outdated terms should be revised. *See* §81.077 (a)-(d).
 - In 2000, the Chief Disciplinary Counsel function was separated from the non-disciplinary legal counsel duties performed on behalf of the State Bar. As such, the Act should be revised to accurately reflect this division. *See* §§81.121(b); 81.002(3); 81.030; 81.031.
- Implementation of additional protections against an attorney’s mishandling and/or misapplication of client funds:
- Trust Account Overdraft Notification. *See* Section IX, Major Issues, Issue #1 (notification to CDC when an attorney has overdrawn funds in a client trust account)
 - Payee Notification. *See* Section IX, Major Issues, Issue #2 (limited mandatory notification to an attorney’s client when an insurance company has delivered to the attorney a settlement check for funds arising out of the client’s claims).
- Subpoena power during the investigation stage of the grievance process:
- *See* Section IX, Major Issues, Issue #3 (providing CDC the ability to subpoena relevant documents and records during the just cause investigation).
- Eliminate the requirement to refer dismissed grievances for voluntary mediation.
- *See* Section IX, Major Issues, Issue #4.

➤ Eliminate the requirement to describe grievance process in standard (hard copy) telephone directories.

- See Section IX, Major Issues, Issue #6.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**

The regulation is needed to protect the public from unethical lawyers and to maintain the integrity of the profession.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

The attorney discipline system does not provide for any form of audits of attorneys' trust accounts (handling of funds belonging to clients) or any inspection or audit of attorney practices in the absence of a grievance being filed.

- **follow-up activities conducted when non-compliance is identified;**

CDC staff monitor disciplinary judgments that contain reporting or monetary requirements.

Attorneys suspended or disbarred who continue to practice law are subject to further discipline (for suspended lawyers) and contempt actions (for disbarred lawyers). Attorneys who violate the terms of a judgment are subject to further discipline, and non-compliance is utilized as an aggravating factor. Attorneys who violate terms of probation contained in a judgment are subject to revocation of probation, resulting in active suspension of their law licenses.

- **sanctions available to the agency to ensure compliance; and**

The filing of a new complaint based upon non-compliance; evidence of non-compliance as an aggravating factor in subsequent proceedings; revocation of probation; and civil contempt proceedings.

- **procedures for handling consumer/public complaints against regulated entities.**

The procedures for the disciplinary system are outlined in the Texas Rules of Disciplinary Procedure.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

**State Bar of Texas
Office of Chief Disciplinary Counsel
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2013 and 2014**

	Fiscal Year 2013 (2012-2013)	Fiscal Year 2014 (2013-2014)
Total number of active Texas lawyers	92,210	94,804
Total number of grievances received from the public	7,882	7,394
Number of cases pending in investigation or litigation from prior years	34*	177**
Number of grievances dismissed as inquiries at classification.	5,495	5,827
Number of grievances upgraded to complaints at classification but subsequently dismissed by summary disposition.	1,286	1,147
Number of complaints resolved through litigation before evidentiary panels, district courts, and BODA	403	444
Average number of days for complaint resolution <u>for cases that did not reach litigation stage</u> (from upgrade of grievance until dismissal before summary disposition panel)	198	180
Average number of days for case resolution <u>for cases that reached litigation</u>		
From upgrade of grievance to conclusion	492	373
From filing of disciplinary petition to conclusion	298	232
Complaints resulting in disciplinary action:	367	322
Private reprimand	89	65
Public reprimand	37	31
Suspension: includes fully probated suspension, active suspensions; and partially probated suspension (part active, followed by probated)	122	131
Disbarment	39	21
Resignation in lieu of discipline	24	17
Grievance referral program	56	58

Table 10 Exhibit 11 Information on Complaints Against Persons or Entities

*30 cases pending in litigation; 4 abated (i.e. missing person)

**168 cases pending in litigation; 9 in investigation

A. Name of Program or Function: Client-Attorney Assistance Program (CAAP)**Location/Division:** Attorney Compliance Division**Contact Name:** Jessica A. Bergeman, JD**Actual Expenditures, FY 2014:** \$505,484**Number of Actual FTEs as of June 1, 2015:** 8 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

CAAP's responsibilities are two-fold: 1) answering the Toll-Free Grievance Information Helpline, and 2) providing mediation and dispute resolution services for attorneys and clients experiencing communication difficulties impacting their legal representation.

The Grievance Helpline is the means by which the public may request grievance forms and information necessary to initiate a formal grievance against an attorney licensed to practice law in Texas and access the legislatively mandated voluntary dispute resolution procedure. CAAP responds to public concerns and requests for information via the Helpline in the following three contexts:

- Answering general questions about the legal system, disciplinary process, and the Texas Disciplinary Rules of Professional Conduct.
- Referring persons to other State Bar of Texas departments; other federal, state, or local agencies or services; or local bar associations or programs that might better serve caller concerns.
- Providing information about the grievance process and transmitting requests for grievance forms to the Office of the Chief Disciplinary Counsel.

CAAP also provides dispute resolution services, which promote and facilitate productive dialogue within the context of the attorney-client relationship to address issues that do not represent misconduct or unethical behavior, but rather are indicative of communication issues or unreasonable client expectations.

Additionally, CAAP gathers and analyzes data about the issues, concerns, and trends that impact client and non-client relationships with Texas attorneys. The data is integrated into materials for continuing legal education programs and for reporting to the Commission for Lawyer Discipline, the State Bar Board of Directors, the Grievance Oversight Committee, and other interested persons.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

CAAP maintains a database for all Grievance Helpline phone calls and dispute resolution clients, and analyzes data to increase program effectiveness and efficiency. CAAP provided Helpline assistance to 15,139 callers and 1,045 dispute resolution clients during the 2014-2015 Bar year. CAAP restored productive communication within the context of the attorney-client relationship in 84% of their dispute resolution cases, marking a 20% success increase over a two-year period. With approximately one quarter of CAAP's clients responding, client surveys indicate a 90% satisfaction rating of CAAP services.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

CAAP was created as a joint project of the Commission for Lawyer Discipline and the State Bar of Texas Board of Directors. The program commenced operating for nine months as a pilot program for the Austin region of the State Bar's Office of Chief Disciplinary Counsel (CDC) in September of 1999. After the pilot phase concluded, CAAP was approved for statewide implementation over a two-year period: in August 2000, CAAP expanded to include what was the Fort Worth region of CDC; in May 2001 to the CDC Dallas region; to CDC's San Antonio region in Fall of 2001; and to the Houston region in Spring 2002.

CAAP's primary purpose is to answer the Grievance Information Helpline, which was previously answered by the Office of the Chief Disciplinary Counsel. The objective of shifting the Helpline responsibilities was (1) to alleviate the workload of CDC by allowing CAAP to prescreen potential complaints and to function as a "traffic director" in redirecting the public to the most appropriate services and resources when non-grievance level concerns are described (i.e., issues not alleged to involve violations of the Disciplinary Rules of Professional Conduct); and (2) to provide a neutral forum and act as an "umpire" for resolving non-grievance level problems impacting the attorney-client relationship.

CAAP has had tremendous success (84%) in re-establishing communication and promoting productive dialogue within the context of the attorney-client relationship. However, once a grievance is filed with CDC, CAAP may no longer intervene in the attorney-client relationship.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

CAAP serves the public, including resident and non-resident clients (and non-clients) of Texas attorneys, as well as the membership of the State Bar. There are no eligibility requirements to

access the Grievance Helpline, although CAAP's dispute resolution services are reserved for clients, or other legally-protected persons, of Texas lawyers.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

CAAP is administered through the work of 8 full-time employees: 5 program associates, 2 administrative assistants, and a Department Director who oversees all program tasks and employees. CAAP's workload functions as follows:

- CAAP answers the Grievance Helpline
 - Phone calls are analyzed for content
 - Options and strategies for Helpline callers encompass several alternatives, such as:
 - Information about the legal process
 - Information about the grievance process and TDRPC
 - Self-help strategies to improve communication
 - Referral information for other resources or programs at the State Bar, federal, state, or local agencies that may better address caller concerns
 - Explanation of CAAP's dispute resolution services where appropriate
 - Grievance form request transmission to CDC
 - Statistics are mined, analyzed, and disseminated
- CAAP provides dispute resolution services
 - Coach clients through self-help methods to improve communication with their Texas lawyer
 - Intervene on behalf of clients to repair Attorney-Client relationship when necessary
 - Prepare correspondence to attorney addressing client issues
 - Facilitate the transfer of appropriate documents
 - Telephone conference with attorney regarding client concerns

(See Exhibit 5, CAAP Flowchart)

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds for CAAP are allocated from the State Bar of Texas General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Jefferson County Bar Association (JCBA) runs a similar CAAP program, but serves ONLY complainants whose attorneys practice in Jefferson County, or who practice in surrounding counties but are members of the Jefferson County Bar.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Jefferson County CAAP handles approximately 8-12 dispute resolutions per year; closing 9 in the 2014-2015 Bar year. Participation in the JCBA CAAP does NOT preclude access to or assistance from the State Bar of Texas CAAP.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

Eliminate requirement to refer dismissed grievances for voluntary mediation. (See Section IX, Major Issues, Issue #4)

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbar.com/caap

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Client Security Fund**Location/Division:** Chief Disciplinary Counsel (CDC)**Contact Name:** Claire Mock**Actual Expenditures, FY 2014:** Grants to individuals for State Bar FY 2013-2014 were \$1,346,419.**Number of Actual FTEs as of June 1, 2015:** 0 FTE (The administrator/counsel to the Client Security Fund also performs duties for the Office of Chief Disciplinary Counsel)**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Client Security Fund (“the Fund”) is a client protection fund established to provide reimbursement to clients who have suffered pecuniary loss as a result of a lawyer’s dishonest conduct. Applications to the fund are administered through the Office of Chief Disciplinary Counsel (CDC) and reviewed and acted upon by the Client Security Fund Subcommittee, which is comprised of members of the State Bar of Texas Board of Directors. CDC reviews and investigates all applications to the Fund and the Fund administrator makes recommendations to the Subcommittee for approval or denial in accordance with the Client Security Fund Rules. (See Exhibit 6, Client Security Fund Rules)

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

- In 2014-2015, 138 applications were presented to the subcommittee and 102 were approved, resulting in grants for individual clients totaling \$639,581.09.
- In 2013-2014, 134 applications were presented to the subcommittee and 118 were approved, resulting in grants for individual clients totaling \$1,232,355.
- In 2012-2013, 132 applications were presented to the subcommittee and 109 were approved, resulting in grants for individual clients totaling \$929,305.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Client Security Fund was created by the Board of Directors of the State Bar of Texas in 1975. Rules governing the composition and operation of the Client Security Fund Subcommittee

and the requirements for and limits of eligible claims are contained in the State Bar Board Policy Manual, Section 3.08.02.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The program serves members of the general public who have lost money or property as a result of a lawyer's dishonest conduct. Unless the lawyer has been disbarred, has resigned in lieu of discipline, or is deceased, eligible applicants must file a grievance that results in findings that the lawyer stole the client's money or failed to refund an unearned fee. An application for reimbursement must be filed within 18 months after the final disciplinary judgment is rendered, or within four years from the time the loss was discovered or should have been discovered, if the attorney is deceased, was previously disbarred, or has resigned in lieu of discipline. There is a cap of \$40,000 on all grants per applicant.

To be eligible for payment from the fund, an applicant must prove that: (1) the lawyer engaged in dishonest conduct; (2) the applicant was a client of that lawyer; (3) the lawyer gained possession and control of the client's money or property; (4) the applicant sustained a loss of money or property as a result of the dishonest conduct; (5) the applicant participated in the grievance process when required; and (6) the applicant timely filed the application.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Individuals who have lost money or property as a result of a lawyer's dishonest conduct are provided information about the Client Security Fund by employees of the Office of Chief Disciplinary Counsel (CDC) at the conclusion of the grievance process. The program is administered through CDC's Public Affairs Counsel who, serving as the Fund administrator, screens and investigates all applications to determine eligibility. Applications are presented quarterly to the Client Security Fund Subcommittee, along with the Fund administrator's recommendation regarding payment or non-payment. Upon approval of the subcommittee, claimants receive payment from the Fund.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The program is funded annually by the State Bar's General Fund. Interest earned from the CSF corpus and any restitution paid by attorneys whose conduct was responsible for payments from the fund is deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Disciplinary judgments often include an order for respondent attorneys to pay restitution directly to their clients, but the respondent attorney may not always pay that client in a timely manner or at all. A client in that situation can apply to the Client Security Fund. This enables eligible clients to recoup some or all of their losses, often avoiding bankruptcy, foreclosure, or other harms caused by the loss of money.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The only program with which the Client Security Fund coordinates is the State Bar's Office of Chief Disciplinary Counsel, because the Fund administrator needs access to all of the confidential disciplinary information related to an attorney. The administrator is able to make appropriate recommendations to the subcommittee on that basis.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

From time to time the Fund administrator will cooperate with law enforcement or state and federal attorneys when an attorney has stolen money from a client. For example, the administrator has testified at a criminal trial in which an attorney was accused of stealing funds from multiple clients. In addition, the administrator often works with employees of the Department of Homeland Security to determine the status of a client's immigration case.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. Provide information on any grants awarded by the program.

The purpose of the fund is to award grants to or on behalf of eligible applicants, as described previously. See Question C for grant amounts awarded in the last three State Bar years.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

It may be helpful to add clarifying language to Tex. Govt. Code, Section 81.033(b) regarding records and information related to the State Bar Client Security Fund (CSF). The rules governing the CSF indicate that records related to the fund are confidential (the rules are found in State Bar Board Policy Manual 3.08.02), while Tex. Govt Code, Section 81.033(b) does not explicitly provide for confidentiality of CSF records but instead refers to confidential or privileged records “used for the purposes of the client security fund.” Tex. Govt. Code, Section 81.0133(b) could be updated to explicitly provide for confidentiality of CSF records in order to protect the CSF parties and process.

See Section IX, Major Issues, Issue #1 and Issue #2, for suggestions regarding Trust Account Overdraft and Payee Notification. These suggestions could prevent an attorney’s misapplication or theft of client funds, which would reduce the number of disciplinary matters and the amount of money paid out by the Client Security Fund.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.

Not applicable.

A. Name of Program or Function: Membership Department**Location/Division:** Finance Division**Contact Name:** Sandy Gavin**Actual Expenditures, FY 2014:** \$899,779**Number of Actual FTEs as of June 1, 2015:** 9 FTEs**Statutory Citation for Program:** Tex. Govt. Code §§81.024, 81.0241, 81.051, 81.054, 82.022(c); Tex. Tax Code, Chapter 191, Subchapter H; Tex. Fam. Code, Chapter 232**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Department's primary objective is to implement and enforce the Texas Government Code provisions requiring that attorneys enroll with the State Bar of Texas and, in order to be licensed to practice law in Texas, pay mandatory dues according to statutorily-defined classes. The Department's functions include maintaining, on behalf of the Supreme Court of Texas, the records of all attorneys licensed in the State of Texas as well as Foreign Legal Consultants, collecting annually the membership dues and the Texas attorney occupation tax and legal services fee, conducting the balloting process of the State Bar Board election and any referenda (i.e., a vote by registered State Bar members regarding amendments to the State Bar rules proposed by the Supreme Court), and conducting a biennial judicial poll of the State Bar membership (regarding elections for the Supreme Court, Court of Criminal Appeals, and Courts of Appeals).

The attorney occupation tax was repealed by the 84th Legislature and thus will not be collected beginning with the 2015-2016 dues cycle.

In addition to maintaining the records of the attorney membership, the department also maintains the records of three associate membership categories, which include: the Paralegal Division, the Law Student Division, and the law students with a Third Year Bar Card.

The Department is also responsible for mailing notices and maintaining records for suspension of law licenses. Licenses can be suspended for: non-payment of dues and fees; non-payment of certain taxes, school loans, and child support obligations; failure to comply with minimum continuing legal education requirements and other required courses; and for disciplinary reasons when lawyers have engaged in professional misconduct. The continuing education requirements and the operations of the Chief Disciplinary Counsel are discussed in separate program descriptions.

The following table describes the due dates for payment and the activities undertaken by the Membership Department to facilitate the collection of payments. It also sets out details regarding notices of suspension of existing licenses.

Membership Department Functions for FY2014	
Function	Key Details
<p>Collecting bar member dues*</p> <p>*members owing both dues and taxes/legal service fees are sent consolidated notices</p>	<p>Attorney dues notice timeline:</p> <p>May 1, 2013 - 93,090 dues statements mailed</p> <p>May 6, 2013 - 64,255 dues emails sent</p> <p>June 25, 2013 - 17,122 dues reminder emails sent</p> <p>July 1, 2013 - 14,669 reminder notices mailed</p> <p>July 26, 2013 - 8,027 dues reminder emails sent</p> <p>August 28, 2013 - 3,652 dues suspension reminder emails sent</p> <p>September 1, 2013 - 1,748 suspension notices mailed</p>
<p>Collecting attorney occupation tax and legal services fee*</p> <p>*Aug 1 and Sept 11 notices pertain only to taxes/legal service fees</p>	<p>Occupation tax and legal services fee timeline:</p> <p>May 1, 2013 - 68,789 tax statements mailed</p> <p>August 1, 2013 - 5,297 reminder notices mailed</p> <p>September 1, 2013 - 980 reminder notices mailed</p> <p>September 11, 2013 - 855 suspension emails sent</p>
<p>Establishing and maintaining attorney records, including new and suspended licenses, and changes of status</p>	<p>Suspension for non-compliance (2,992 attorneys suspended in 2013-14) for:</p> <ul style="list-style-type: none"> Delinquent bar dues Delinquent taxes Delinquent TGSLC loan repayment Delinquent child support payments Failure to comply with continuing legal education requirements

	<p>Disciplinary actions</p> <p>Attorney Status Changes: (3,032 in 2013-2014) Inactive to Active Active to Inactive MCLE non-practicing to MCLE practicing MCLE practicing to non-practicing Voluntary Resignations Deceased attorneys</p> <p>Licensing of New Attorneys: (3,780 in 2013-2014)</p>
<p>Conducting elections for State Bar of Texas and Texas Young Lawyers Association Directors and Presidents-elect</p>	<p>Coordinate balloting process with VR Election Services for the annual presidential and board of directors election</p>

The Membership Department also provides the following functions:

- Conducting referenda on a periodic basis
- Works with the State Bar’s Research and Analysis department on conducting a biennial judicial poll
- Establishing and maintaining records for associate division members
- Providing customer service to members of the Bar via telephone, email, and in-person visits
- Managing the distribution of bar cards to licensed attorneys
- Providing primary information on attorney practice eligibility, including certificates of good standing
- Processing large volumes of mail
- Processing mailing list and label requests (for the State Bar, local bar associations, and other entities upon request)

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Efficiencies in the handling of the department’s functions have been gained by the implementation of new technology allowing attorneys to meet their mandatory requirements

through online programs. Details in the table below demonstrate that online transactions have increased while manual transactions have decreased.

Process	Statistics
Online dues payment process started May 2004 - allowed attorneys to pay fees online up to September 1; August 2011, added option to pay fees after suspension date	Online payments are increasing each year (from FY 2012-2013 to FY 2014-2015, online payments increased from 31,000 to 41,000, and manual payments decreased from 69,000 to 63,000).
Attorney online registration process started June 2012.	Approximately 3,700 new attorneys register each year; in FY 2013-2014, 79% of new attorneys registered online, while online registration for FY 2014-2015 is approaching 90%.
Firm billing process simplified dues payments for members of larger firms.	The number of firms participating increased from 51 firms for FY 2006-2007 to 269 firms for FY 2014-2015.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The basic function of the Membership Department, monitoring licensing requirements and regulations and maintaining accurate records of membership, has remained constant through the years. Services provided to attorneys to assist them in complying with the requirements have changed from a technological standpoint as the department continues to pursue efficient and convenient online programs for attorneys to use.

In 1995, the Texas Legislature amended the Texas Tax Code, Chapter 191, Subchapter H, requiring the Supreme Court to administer and collect the attorney occupation tax and provide for the suspension of an attorney's license for non-payment of the tax and related penalties. (The State Bar Membership Department performs this function on behalf of the Supreme Court.) In 2015, the Texas Legislature repealed the attorney occupation tax effective September 1, 2015.

In 2003, the Legislature amended Texas Government Code, §81.054 requiring the Supreme Court to administer and collect a legal services fee in the amount of \$65.00 to be paid annually by each non-exempt active member of the State Bar. The legal services fee is collected by the State Bar's Membership Department on behalf of the Supreme Court.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Membership Department serves more than 96,000 active attorneys, 16,000 inactive attorneys and 3,000 associate members. The membership records maintained by the department are kept on behalf of the Supreme Court of Texas, which ultimately has authority for governing attorneys' admission to practice law in Texas. The department also provides services to the clerk of the Supreme Court and all State Bar departments. In addition, the department serves the state's court systems, local bar associations, and the general public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

To become a member of the State Bar of Texas, lawyers must obtain approval for a license through the Board of Law Examiners. After a lawyer has successfully passed the Bar exam and met all of the eligibility requirements of the Board of Law Examiners, he or she may join the State Bar of Texas by completing an enrollment form and submitting it to the Membership Department. In addition, to become a member, the lawyer must pay bar dues, attorney occupation tax (with certain exceptions), and a legal services fee. Upon completion of the enrollment process, the member is issued a bar number and the member's profile information is entered into the State Bar database (the member profile is published on the State Bar's website). A license and a bar card are then mailed to the member and he or she is entitled to practice law in the State of Texas.

The Membership Department currently has 9 employees that serve more than 96,000 active attorneys, 16,000 inactive attorneys, and 3,000 associate members.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Membership Department is funded by the State Bar's General Fund. Bar dues and other fees collected are deposited in the General Fund. Occupation Tax and Legal Services fees collected on behalf of the State are remitted to the Comptroller of Public Accounts.

H. Identify any programs, internal or external to your agency, which provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Membership Department is the only entity that maintains attorney membership data and administers the collection of membership dues, occupation taxes, and legal services fees.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

In accordance with the provisions of Tex. Govt. Code §82.022(c), the Membership Department coordinates with the Texas Guaranteed Student Loan Corporation in the regulation of attorneys' compliance with their student loan requirements. The State Bar Information Technology department biannually transmits a list of all Texas licensed attorneys to the Texas Guaranteed Student Loan Corporation (TGSL) for matching with any non-compliant members. Once a match has been made, a list is transmitted back to the State Bar for issuance of a warning letter. The warning letter advises the attorney of the default and requires him or her to contact TGSL to remedy the default. The letter also stipulates that if a compliance letter, which is issued by TGSL, is not received by the State Bar within 60 days, the attorney's license will be suspended.

In accordance with the provisions of Tex. Fam. Code, Chapter 232, the Membership Department coordinates with the Texas Attorney General's office in the regulation of attorneys' compliance with their child support requirements. An order may be received from the Attorney General's office notifying the State Bar of an attorney's non-compliance and requesting that the attorney's license be suspended. The suspension remains in place until a court order is received vacating the order.

The Membership Department also coordinates with the Texas Comptroller's office regarding the annual collection of the attorney's occupation tax and the legal services fee. House Bill 7, effective September 1, 2015, repealed professional occupation taxes, including the \$200.00 attorney occupation tax.

K. If contracted expenditures are made through this program, please provide:

- a short summary of the general purpose of those contracts overall;

The Membership Department contracts for lockbox services for processing payments, issuance of bar membership cards, and election services.

- **the amount of those expenditures in fiscal year 2014;**

\$202,223

- **the number of contracts accounting for those expenditures;**

3

- **top five contracts by dollar amount, including contractor and purpose;**

\$163,968: VR Election Services- VR Election Services conducts annual Board elections (including producing and distributing paper and electronic balloting for eligible members, counting votes, and providing detailed reporting)

\$33,794: STATCO- wholesale lockbox services during the State Bar's membership season from May through September each year, including mail pick-up, opening mail and separating/sorting contents by document group, forwarding documents to the State Bar for processing, and scanning and data entry services.

\$4,461: Source One Direct - bar card issuance service for all new attorneys enrolled with the State Bar.

- **the methods used to ensure accountability for funding and performance; and**

The budget for the Membership department is approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget during the year, along with the standards of performance specified in vendor contracts. Membership staff members engage in continuous oversight of contractors and negotiate to correct any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

While the Membership department itself is not a regulatory program, it does process notices for administrative suspension in the event member attorneys do not pay dues or the required taxes and fees. Other departments within the State Bar of Texas, including the Office of the Chief Disciplinary Counsel and the Minimum Continuing Legal Education department, take action to regulate attorney conduct and compliance with education requirements, and may initiate suspension actions. In those cases, the Membership department serves only to keep accurate membership records of attorney members and any such actions affecting their membership.

- **why the regulation is needed;**

The Membership department maintains, on behalf of the Supreme Court, a record of the membership eligibility for attorneys who are licensed to practice law in Texas to provide protection for the public and ensure professional integrity.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

Contact with attorneys occurs annually with the mailing of a dues statement and the mailing of a tax statement/legal services fee statement.

- **follow-up activities conducted when non-compliance is identified;**

An attorney who fails to pay dues, the occupation tax or legal services fee on a timely basis is provided with one reminder notice mailed on July 1 and five reminder emails sent between May and September of each year. An attorney who fails to pay the occupation tax or the legal services fee receives one reminder letter by mail separate from other combined notices.

- **sanctions available to the agency to ensure compliance;**

After September 1, attorneys who do not comply with membership requirements are subject to sanctions by the Supreme Court of Texas (they are administratively suspended and mailed a suspension notice). The Supreme Court officially administers the sanction, although processing is accomplished through the Membership Department.

- **procedures for handling consumer/public complaints against regulated entities.**

The Commission for Lawyer Discipline (CFLD), a permanent committee of the State Bar of Directors, is responsible for handling complaints against attorneys and oversees the State Bar's Office of Chief Disciplinary Counsel. The Client-Attorney Assistance Program (CAAP) established by the State Bar answers the grievance helpline and can lend assistance when the complaint does not rise to the level of possible professional misconduct. The Membership Department refers calls to both the CFLD and CAAP.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

The number of suspensions related to attorney misconduct and the number related to non-compliance with minimum continuing legal education requirements are provided separately in the program descriptions for those programs.

**State Bar of Texas
Membership Department
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2013 and 2014**

	Fiscal Year 2013	Fiscal Year 2014
Total number of regulated persons	Over 96,000	Over 96,000
Total number of regulated entities	n/a	n/a
Total number of entities inspected	n/a	n/a
Total number of complaints received from the public	n/a	n/a
Total number of complaints initiated by agency	n/a	n/a
Number of complaints pending from prior years	n/a	n/a
Number of complaints found to be non-jurisdictional	n/a	n/a
Number of jurisdictional complaints found to be without merit	n/a	n/a
Number of complaints resolved	n/a	n/a
Average number of days for complaint resolution	n/a	n/a
Total Suspension actions*	4,518	4,410
Dues delinquent-active	2,052	1,994
Dues delinquent-inactive	532	492
Tax delinquent	1,016	1,037
Student loan non-compliance	142	141
MCLE non-compliance	577	572
TCLEP non-compliance	102	64
Delinquent child support	1	1
Disciplinary suspensions	96	107

Table 11 Exhibit 11 Information on Complaints Against Persons or Entities

*total number of actions exceeds total number of suspended attorneys because some attorneys are suspended for more than one reason

A. *Name of Program or Function:* Minimum Continuing Legal Education

Location/Division: Attorney Compliance Division

Contact Name: Nancy R. Smith

Actual Expenditures, FY 2014: \$630,391

Number of Actual FTEs as of June 1, 2015: 7 FTEs

Statutory Citation for Program: State Bar Rules, Article XII; Tex. Govt. Code §§81.113 and 81.114

B. *What is the objective of this program or function? Describe the major activities performed under this program.*

Attorneys licensed in Texas are required by law to complete a minimum number of hours of accredited continuing legal education (CLE) each year (15 credit hours, three of which must be devoted to ethics or professional responsibility subjects). The objective of the Minimum Continuing Legal Education (MCLE) program is to ensure that all active members of the State Bar of Texas obtain the required continuing education to remain current in the law and to maintain a high standard of professional competence to better serve the public. The State Bar MCLE Department's major activities include: providing staff support to the Minimum Continuing Legal Education Committee of the State Bar; reviewing submitted CLE materials to determine whether they meet the accreditation criteria established by the Committee; providing accreditation for CLE sponsors who meet certain criteria that entitles their materials and programs to be presumptively approved for accreditation; monitoring compliance by licensed attorneys with the minimum CLE requirements; overseeing suspension and authorizing reinstatement for noncompliant attorneys; providing customer service to attorneys regarding the fulfillment of their MCLE responsibilities; and, reviewing and accrediting programs of instruction for attorneys who represent parties in guardianship cases or who serve as court appointed guardians. Additional details are provided below:

Accreditation of CLE Sponsors

- Sponsors with a two-year history of providing 10 or more CLE activities per year are identified for accredited sponsor status, granted presumptive approval of CLE activities, and given reduced accreditation fees.
- Currently accredited sponsors are reviewed for yearly renewal.

Accreditation of CLE Activities

- Accredited sponsors submit course information online that is automatically approved for MCLE credit but audited by staff to assure submissions meet accreditation criteria.
- Non-accredited CLE sponsors submit application and course information to the MCLE department, which is reviewed to determine accreditation and the number of credit hours for each activity.

Attendance Recording

- Attorneys complete attendance forms or sign an attendance list while attending an approved CLE activity, and CLE sponsors can submit attendance forms, or report online or via electronic file submission to the State Bar MCLE department.
- Attendance information is recorded for each course and is also shown on each attorney's compliance record.
- Attorneys may self-report credit via the MCLE member home page on TexasBar.com or a coded Credit Input Form, including credit for teaching, writing, or self-study.

Attorney Compliance

- Annual verification reports are emailed and mailed to attorneys two months prior to the end of the compliance year.
- If the report is incorrect, attorneys may make additions or modifications to the MCLE record with the MCLE member home page or by completing and returning a coded Credit Input Form.
- For attorneys not in compliance, a grace period (the attorney's birth month) is available to complete and report any remaining CLE hours; reminder notices are emailed and mailed at the beginning of the grace period.
- Attorneys may claim an exemption or special allowance (non-practicing, judicial, full/part-time faculty, legislative attorney, legislature/congress, hardship, self-study allowance) for the purposes of complying (either partially or fully) with MCLE requirements.

Non Compliance

- Attorneys who do not timely complete and report CLE requirements are penalized \$100 during the first month of non-compliance, \$200 during the second month and \$300 during the third month through the last business day of the fourth month following the attorney's birth month.

- Non-compliance notices are sent during the first and third month of non-compliance.
- Attorneys who comply by the last business day of the fourth month following their birth month and pay the required non-compliance fees are placed back into compliance.

Suspension and Reinstatement

- Attorneys who do not timely complete the CLE requirements or pay non-compliance fees are administratively suspended.
- Suspension notices are sent to the suspended attorney's primary and secondary mailing addresses.
- Attorneys who meet MCLE requirements after suspension and who pay a reinstatement fee are reinstated to the practice of law.

Customer Service

- MCLE staff members provide direct assistance by phone or email regarding compliance records, to confirm compliance, or to find appropriate CLE activities to attend.
- Attorneys may login to the MCLE member home page on TexasBar.com to review records, add CLE activities, view or print transcripts or reports, edit existing course entries, or search for courses to attend.
- MCLE staff provides a database of approved CLE activities, accessible at the MCLE member home page, for use in finding courses that meet MCLE requirements.
- MCLE Rules, Regulations, Accreditation Standards, Applications, Information for newly admitted attorneys, and information for new CLE sponsors is available by phone, in writing, or on the MCLE home page.
- MCLE staff members provide assistance to sponsors who call or email for information and assistance related to approval of accreditation applications, attendance reporting or accredited sponsor status.
- Sponsors may login to the MCLE sponsor home page to review status of applications, print accreditation notices, and report attendance.
- Accredited sponsors may login to register a course for MCLE credit and receive automatic approval.

Guardianship Certification

- The MCLE director reviews and accredits programs of instruction for attorneys who represent parties in guardianship cases or who serve as court appointed guardians.
- Attendance at approved programs is recorded as described above.
- Attorneys who have completed the training are certified for two- and four- year certification periods.
-

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

FY 2014 performance measures include:

Availability of continuing legal education programs:

- Number of CLE activities submitted and approved for MCLE credit by accredited and non-accredited sponsors: 22,734
- Total number of CLE hours available to attend: 1,440,704
- Number of ethics/professional responsibility hours available: 11,940
- Number of CLE courses that were available on-demand/online as alternatives to live in-person training: 29,063 (includes courses with original approval dates starting in FY-2013)

Attorney compliance:

- Total number of attorneys subject to MCLE compliance requirements: 87,880
- Percent of attorneys who complied with MCLE requirements on or before the birth month: 92.00%
- Number and percentage of non-compliant attorneys and length of time before compliance occurred: 3.81% compliance within 1 month, 1.23% within 2 months, 2.35% within 4 months, and 0.61% suspended.
- Average number of attorneys suspended each month for non-compliance: 45

Maintaining course and attendance records:

- Total number of attendance records received and processed: 517,639
- Number of active accredited sponsors (one or more approved courses): 352
- Number of active non-accredited sponsors (one or more approved courses): 1,706
- Total number of courses submitted and reviewed: 26,926

- Number and percentage of attendance records received via MCLE online reporting: 362,437, or 70%
- Number and percentage of course applications received from accredited sponsors via online submission: 15,351 or 67%

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The intent and services of the program have remained the same since its inception in 1986. However, there have been rules and regulations changes over the years to streamline and modernize the administration of the program, reduce non-compliance rates, increase the number and types of educational opportunities available to attorneys, increase competency of attorneys, and create more value to the participants.

In recent years, the MCLE Rules and Regulations have been amended as follows:

1996 - Increasing ethics requirement from one to three hours per year; authorizing interactive participatory credit for attending online and telephone conferences

2000 - Allowing online reporting by CLE sponsors and attorneys

2002 - Providing for accredited sponsor status and increasing non-compliance fees

2005 - Streamlining compliance and non-compliance procedures and attendance reporting procedures

2007 - Clarifying types of online and on-demand CLE activities that can be approved for MCLE credit

2009 - Adding alternative ways for receiving accredited hours, including credit for downloadable CLE; reducing the number of self-study hours allowed; and increasing accreditation fees and late filing fees for applications filed by sponsors and members

2014 - Authorizing electronically-delivered Annual Verification Reports and adding a \$200 Accredited Sponsor renewal fee

2015 - Repealing the Emeritus attorney exemption from MCLE requirements

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The MCLE program affects the public by helping to maintain high standards for practicing attorneys and by ensuring that each attorney completes at least a minimum number of continuing legal education hours each year.

The MCLE program affects all attorneys with an active membership status who are not specifically exempted by law from the MCLE requirements. (See Tex. Govt. Code §81.113.) For FY 2014, the number of attorneys required to comply with MCLE was 87,865.

The MCLE program assists attorneys in their efforts to maintain competency by providing a database of approved CLE activities, maintaining attendance records, and providing transcripts and reports. The MCLE program affects CLE providers by ensuring that they are providing continuing legal education courses that comply with MCLE Rules, Regulations, and Accreditation Standards. There are a total of 2,058 active accredited and non-accredited CLE providers.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Texas Supreme Court's State Bar Rules include requirements for minimum continuing legal education, including the number of hours required each year (15 hours, 3 of which must be devoted to ethics/professional responsibility). The Supreme Court rules also require the establishment of a State Bar standing committee to administer the program, to prepare forms to implement the program, and to propose regulations for adoption by the State Bar Board of Directors. The State Bar Rules also require the State Bar to employ staff to perform record keeping, auditing, reporting, accreditation, and other necessary functions. The MCLE Committee provides interpretation of rules and policy direction to the State Bar's MCLE Director, and develops criteria and standards for accreditation of CLE activities.

When necessary, the MCLE Committee will suggest changes to the MCLE Rules, Regulations, and Accreditation Standards. Proposed changes to the Rules must be approved by the State Bar Board of Directors and the Supreme Court. Proposed changes to the Regulations must be approved by the State Bar Board of Directors. Proposed changes to the Accreditation Standards can be approved by the MCLE Committee, but in practice, the MCLE Committee has always requested approval from the State Bar Board of Directors for any changes to the Accreditation Standards. (See [Exhibit 7, Accreditation Standards](#); [Exhibit 8, MCLE Rules](#); [Exhibit 9, MCLE Regulations](#))

The MCLE Committee meets 2-3 times per year and reviews appeals of decisions made by the MCLE Director regarding non-accreditation, and denial of waivers, extensions, exemptions and other special requests. The Committee also reviews requests for changes to the MCLE Rules, Regulations and Accreditation Standards.

The MCLE staff includes seven full time positions: MCLE Director, Operations Supervisor, Compliance Supervisor, two Accreditation Assistants, one Compliance Assistant and one General Administrative Assistant.

The MCLE Director is responsible for administering all aspects of the Minimum Continuing Legal Education program and assuring that the MCLE Committee's policies and interpretations are followed. The Director also makes final staff decisions on refunds, waivers, suspensions, and non-accreditation of CLE Activities. Appeals of the Director's decisions are sent to the MCLE Committee for review.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The MCLE department is funded by the State Bar's General Fund. Revenue generated from MCLE fees are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Texas Board of Legal Specialization (TBLS)

TBLS is a voluntary program of education and certification for attorneys seeking specialization in a particular area of practice. Board-certified attorneys must take an additional number of CLE credits each year (above the minimum) to maintain their certifications. Attorneys who fail to keep up their credit hours may lose certification. TBLS approves CLE events for TBLS credits and maintains a database of board-certified attorney records, including attendance information and certification requirements.

Texas Center for the Judiciary (TJC)

TJC is a mandatory program of continuing education for judges who are required to complete a minimum number of judicial education credits per year. TJC approves CLE events for use in maintaining judicial education requirements. TJC maintains a database of judicial education records for judges including attendance records and compliance information, and develops and presents educational activities for judges.

Texas Bar College (TBC)

The TBC is a voluntary program of continuing legal education that recognizes attorneys who complete more than the minimum number of required CLE credits. In order to join the College, attorneys must complete 80 hours of CLE within a three-year period or 45 hours within a one-

year period. A minimum of 30 hours of CLE per calendar year are required to maintain membership

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The Texas Board of Legal Specialization (TBLS) uses the State Bar's MCLE records to determine whether or not certification requirements have been met. Attorneys sign a waiver allowing access to their MCLE records. Once a waiver is signed, the TBLS staff downloads attendance information from the MCLE database for that attorney.

TBLS reviews CLE activities approved by the State Bar's MCLE department to determine whether TBLS approval and certification credits can be granted. Sponsors submit certification requests directly to TBLS after receiving MCLE approval. TBLS flags those courses in the MCLE database that are approved for TBLS certification. Certification areas of study are shown for each TBLS approved course. TBLS uses MCLE course and attendance information to track attendance by TBLS certified attorneys at TBLS' approved courses.

The Texas Center for the Judiciary downloads attendance records for judges from the State Bar's MCLE database. Judicial attendance records are used to determine whether judicial education requirements have been met.

The Texas Bar College (TBC) uses MCLE records to determine eligibility for TBC membership. MCLE records for TBC members are shared with the Texas Bar College so that continuing membership requirements can be tracked.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Not applicable.

- K. If contracted expenditures are made through this program please provide:**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2014;
 - the number of contracts accounting for those expenditures;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

None.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

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O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**

The requirement for continuing legal education is needed to protect the public, by ensuring that attorneys remain current in the law and maintain professional competence and high practice standards.

- **the scope of, and procedures for, inspections or audits of regulated entities;**

As explained in Question F above, the State Bar's MCLE Committee administers the MCLE program and State Bar staff monitor compliance.

- **follow-up activities conducted when non-compliance is identified;**

When non-compliance is identified, attorneys are notified by mail, email and phone of their non-compliance status. If they do not come into compliance, attorneys are then administratively suspended. Suspension notices are delivered by mail and by email. Before a suspended attorney may reactivate his or her bar license, MCLE requirements must be completed for all delinquent compliance years and reinstatement fees must be paid.

- **sanctions available to the agency to ensure compliance; and**

Sanctions available to the agency include: (1) non-compliant attorneys may be sanctioned with an administrative suspension of his/her license to practice law; (2) sponsors of CLE activities who do not comply with requirements may be sanctioned; and (3) attorneys may file complaints against sponsors. In the event of a complaint against a sponsor, the MCLE

committee requests a response from the sponsor and then reviews both the complaint and the sponsor's response. Sanctioning can include non-accreditation of several or all CLE activities provided by the sponsor.

- **procedures for handling consumer/public complaints against regulated entities.**

The MCLE department and MCLE committee rarely receive complaints from the public about an attorney or CLE sponsor.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practice.**

**State Bar of Texas
Minimum Continuing Legal Education
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2013 and 2014**

	Fiscal Year 2013	Fiscal Year 2014
Total number of regulated persons	86,283*	87,880*
Total number of regulated entities	n/a	n/a
Total number of entities inspected	n/a	n/a
Total number of complaints received from the public	n/a	n/a
Total number of complaints initiated by agency	n/a	n/a
Number of complaints pending from prior years	n/a	n/a
Number of complaints found to be non-jurisdictional	n/a	n/a
Number of jurisdictional complaints found to be without merit	n/a	n/a
Number of complaints resolved	n/a	n/a
Average number of days for complaint resolution	n/a	n/a
Disciplinary action for failure to comply with MCLE:		
administrative penalty		
reprimand		
probation		
suspension	577	574
revocation		
other		

Table 12 Exhibit 11 Information on Complaints Against Persons or Entities

*certain active attorneys are exempt from MCLE requirements under Tex. Govt. Code §81.113

A. Name of Program or Function: Texas Lawyers' Assistance Program**Location/Division:** Legal/Attorney Services Division**Contact Name:** Bree Buchanan, JD**Actual Expenditures, FY 2014:** \$316,099**Number of Actual FTEs as of June 1, 2015:** 3 FTEs**Statutory Citation for Program:** Tex. Health and Safety Code, Ch. 467; Tex. Admin. Code, Title 25, Ch. 451, ([See Exhibit 10, TLAP Policies and Procedures](#))**B. What is the objective of this program or function? Describe the major activities performed under this program.**

Under the authority of *Tex. Health and Safety Code, Ch. 467*, the Texas Lawyers' Assistance Program (TLAP) was established as the approved peer assistance program by the State Bar of Texas in 1989. The goal of TLAP is to help, and find supportive services for, lawyers, judges and law students whose ability to perform professionally or academically is impaired by a mental health or substance use disorder. Specifically, TLAP assists members of the legal profession with problems related to alcoholism, drug abuse or addiction, depression, suicide, anxiety, cognitive impairment, and chronic stress. By doing so, TLAP not only saves the lives and careers of impaired lawyers, but also protects the public, reduces ethical violations, and promotes the integrity and reputation of the legal profession.

To achieve this goal, TLAP conducts the following major activities:

1. *Confidential support and referrals* – TLAP's primary mission is to provide confidential support and referrals for lawyers, law students, and judges who are experiencing problems with substance use and/or mental health. Staff members (all of whom are licensed attorneys with experience and training in these issues) are on call 24 hours a day to provide assistance. Depending on the circumstances of each call, staff may provide referrals for:

- Professional resources, which may include: mental health and medical professionals, recovery treatment programs, support groups, substance abuse evaluators, and interventionists
- Peer assistance with a trained TLAP volunteer lawyer who has experienced, and is in recovery from, a similar substance use or mental health challenge and who will provide one-on-one ongoing guidance as well as assistance with accessing local resources and support groups

2. *Public awareness and outreach* - TLAP staff, members of the Lawyers' Assistance Program Committee, and volunteers work to increase the legal community's awareness of impairments among lawyers and TLAP's services through:

- Presentations to members of the bar at legal conferences, continuing legal education programs, and local bar association events, regional TLAP-sponsored wellness groups, law firms, and legal divisions of governmental agencies
- Collaboration with Deans of Students at Texas' ten law schools, guest lecturing, appearances at wellness events and orientations, and presentations in coordination with the Board of Law Examiners
- Presentations to members of the local, state, and federal judiciary at conferences
- Development of public education materials regarding how to identify an impaired lawyer, how to assist a cognitively impaired elder lawyer, or how to help a member of the bar who may be suicidal
- Publication of articles and first-person accounts of recovery in bar journals and through social media outlets, including the Bar's blog
- Provision of educational materials and information regarding TLAP's services on the State Bar of Texas website
- Production of educational videos which can be accessed for free online through TexasBarCLE
- Production of a podcast series, Voices of Recovery
- Distribution of a quarterly volunteer e-newsletter to TLAP volunteers and other interested members of the bar

3. *Mandated monitoring* – TLAP recruits, trains and recommends monitors for the Board of Law Examiners and the Chief Disciplinary Counsel's Office for law students and lawyers whose licensure is at risk due to substance abuse or mental health concerns.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Since TLAP's inception in 1989, staff members have assisted more than 11,000 cases involving an impaired lawyer, law student, or judge who is concerned for his or her own welfare or for another member of the bar. In FY 1999-2000, TLAP handled 403 total cases. This number has steadily grown, reaching 624 cases in FY 2014-2015. The percentage of members of the Bar assisted by TLAP has remained consistent over this time as the number of lawyers helped has

grown in proportion to the total number of lawyers. Last fiscal year, TLAP staff conducted 124 presentations, an all-time high for the program.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

When TLAP began in 1989, services were almost exclusively directed to lawyers who suffered from alcohol and drug abuse and addiction. Since that time, the percentage of cases involving mental health concerns has continued to rise. In fiscal year 2014-2015, 292 cases (47%) involved a substance use disorder and 332 cases (53%) involved a mental health concern.

Overall, the scope of issues addressed by TLAP has expanded significantly. Staff members regularly assist lawyers, law students, and judges with a variety of mental health issues which most frequently include depression, anxiety, and chronic stress. A small number of lawyers call with concerns related to more severe issues, such as bipolar or psychotic disorders, as well as PTSD or personality disorders. Additionally, because of the increasing awareness of suicide in the legal profession, TLAP is now including prevention education in its outreach efforts. As members of the bar continue to practice law later into life, the issue of cognitive decline has become one that TLAP is addressing with increasing frequency.

TLAP has greatly enhanced outreach and education efforts in order to promote awareness among the Bar of mental health and substance abuse issues. In the past, education and outreach was limited to live presentations and print publications. Currently, TLAP fully utilizes the communications resources of the bar, including the website and social media outlets, as well as the audiovisual department to produce videos and podcasts.

Although TLAP once provided employee assistance services for State Bar employees, the State Bar has outsourced those services for employees to Alliance Work Partners. TLAP's role in this area is now limited to assisting the State Bar's Human Resources Department with oversight of the program.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

TLAP's target population is comprised of Texas licensed lawyers, law students attending a Texas law school, and judges whose ability to perform professionally or academically is impaired by mental illness and/or a substance abuse disorder. TLAP services are provided regardless of the recipients' status with their respective licensing or disciplinary authorities. Formal diagnosis of a clinical disorder by a medical or mental health professional is not a precondition to accessing the services of TLAP. (See Question C for statistics.)

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TLAP is staffed by three full-time employees: the TLAP Director, a Senior Staff Professional, and a Staff Professional. All three are licensed attorneys with extensive training, as well as personal experience, in the subject matter areas addressed by TLAP. Beginning June 15, 2015, the program now also employs a half-time FTE as an administrative assistant. In addition to staff, much of TLAP's work is accomplished by the Lawyers' Assistance Program Committee, as well as its 800 volunteer attorneys.

1. Direct Services

TLAP cases are initiated by telephone calls from the impaired lawyer, law student, or judge, or from a person who is concerned about them. In regards to these third-party referrals, they are often from other lawyers or judges who may know of the lawyer's impairment through observation in the workplace or the courtroom. Rule 8.03 of the Texas Disciplinary Rules of Professional Conduct (TDRPC) provides that, while attorneys must report certain misconduct to the disciplinary authority, that duty may be discharged by making a report to TLAP when the misconduct is believed to be related to chemical dependency or mental illness.

Confidentiality is the cornerstone of the TLAP program. All reports to TLAP and all communication between staff and the impaired lawyer, as well as the person making a report about an impaired lawyer, are confidential under Ch. 467 of the Texas Health and Safety Code (with very limited exceptions). All information obtained by TLAP regarding an impaired lawyer is confidential. These confidentiality provisions also apply to communications between a TLAP volunteer and an impaired lawyer to whom they have been assigned to assist. Additionally, civil immunity provisions provide protection to those who report information to TLAP in good faith or who take action in connection TLAP activities (including TLAP volunteers). Every effort is made to preserve the anonymity and confidentiality of the lawyers and law students with whom TLAP works, the confidentiality and anonymity of TLAP volunteers, and the confidentiality and anonymity of the referral sources from whom information comes.

In addition to being confidential, another essential characteristic of TLAP is that participation with the program is voluntary for lawyers, law students, and judges who are requesting services and for those who have been referred by another member of the bar. As such, referred lawyers are not mandated to participate. Because TLAP is a voluntary program, no determination is made regarding a professional's compliance or noncompliance with any TLAP program or service. The exception to the foregoing is when the lawyer or law student is mandated to participate with TLAP pursuant to direction by the State Bar's Office of Chief Disciplinary Counsel or the Board of Law Examiners.

For self-referrals, TLAP staff members provide support and referrals to professional resources, local support groups and/or TLAP peer assistance volunteers who will work face-to-face with

the impaired lawyer to assist him or her in recovery. In the case of third party referrals, TLAP will utilize either staff or peer outreach depending upon the impairment and its severity.

“Peer outreach” is defined as outreach, typically in person, by two or more TLAP volunteers and/or TLAP staff to a lawyer, judge, or student who may be impaired by chemical dependency on drugs or alcohol to express concern for the professional and to offer assistance and resources for recovery. TLAP utilizes Peer Outreach only for potential issues of chemical dependency on drugs or alcohol.

“Staff outreach” is conducted by TLAP staff with a lawyer, judge, or law student who may be impaired by substance abuse, chemical dependency, and/or mental illness in order to express concern for the professional and to offer assistance and resources for recovery.

TLAP actively recruits and trains volunteers who provide peer assistance and peer outreach. These lawyers, law students, and judges have themselves experienced problems with substance abuse and/or mental health, been successful in their own recovery and law practices, and are ready to “give back” by becoming volunteers. Many of the volunteers are recruited through ongoing collaboration with members of Texas Lawyers Concerned for Lawyers (TLCL), an organization allied with, but not officially affiliated with, TLAP.

TLAP also maintains a database of mental health and substance abuse professionals, as well as community resources. Referral resources originate with recommendations made from lawyers helped by TLAP, as well as by volunteers and members of TLCL. TLAP staff interview each referral resource and maintain documentation of that interview to determine that the resource is in good standing with their respective licensing authorities and maintains current malpractice liability insurance. Information regarding TLAP volunteers and resources are maintained in a secure database which is only accessible by TLAP and State Bar IT staff.

2. Public awareness and outreach

The Lawyers’ Assistance Program Committee, a standing committee of the State Bar, provides direction and support for TLAP, particularly with its public awareness and outreach efforts. The Committee, comprised of approximately 25 attorneys who are appointed by the President-elect of the State Bar of Texas, meets three to four times each year. The majority of the work of the Committee is conducted by several subcommittees which have been focused on a variety of target populations (judges, law students, lawyers, senior lawyers, global law firms, local bar associations), subject matter areas (mental health, suicide, wellness) and tasks to support the general work of TLAP, such as volunteer recruitment and training.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

TLAP is funded by the State Bar's General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

While no other entity provides identical or similar services, TLAP does collaborate with two not-for-profit organizations whose missions complement and support its work.

While separate entities, many of TLAP's peer volunteers are members of Texas Lawyers Concerned for Lawyers (TLCL), a non-profit Texas corporation and membership association governed by a board of directors and corporate officers. This group was formed for "the purpose of supporting its members in the maintenance of their own recovery and to serve as a window to recovery for those who still suffer from the disease of alcoholism/chemical dependency or other addictive disorders." TLCL volunteers help convene local support groups in Austin, Beaumont, Dallas, El Paso, Fort Worth, Houston, Lubbock, San Antonio, Tyler, and the Rio Grande Valley. Frequently, TLAP refers lawyers affected by a substance use disorder to these groups for support. Each year, TLCL holds a convention at which TLAP provides training for volunteers and monitors. As TLCL is run by volunteers, it has neither paid staff nor offices.

TLAP also works with the Sheeran-Crowley Memorial Trust, a 501(c)(3) non-profit which is governed by several trustees pursuant to a Declaration of Trust. The Trust provides grants to lawyers who are in need of professional services for substance use or mental health disorders and cannot otherwise afford them. From 2011 through 2014, the Trust distributed \$186,786 in grants. TLAP staff members assist these lawyers with their applications and with finding professional resources that will accept payment from the Trust. Additionally, TLAP facilitates the payment of these providers by working with the Trust's bookkeeper. All communications by TLAP staff with trustees, providers, and grantees are confidential pursuant to Ch. 467 of the Texas Health and Safety Code and are made in compliance with state and federal privacy laws and regulations.

Additionally, TLAP assists with administration of the Austin Bar Association's Justice Mack Kidd Fund which provides grants to assist Austin attorneys impaired by depression or similar mental health conditions with paying the providers for the treatment of the disorder.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Rather than duplicating services, TLAP and Texas Lawyers Concerned for Lawyers (TLCL) each support the independent work of the other organization. TLAP refers impaired lawyers to TLCL meetings for group support. TLAP does not convene its own substance abuse support groups.

Unlike TLAP, TLCL does not provide telephone support and referral to behavioral health professionals, nor does it engage in public awareness efforts regarding these issues.

TLAP and the Sheeran-Crowley Memorial Trust collaborate on providing financial assistance to lawyers seeking services for mental health or substance abuse problems who cannot otherwise afford those services. TLAP does not provide grant monies, or any other financial assistance, to the lawyers it helps. The Trust provides neither supportive services nor referrals. In 2010, the State Bar of Texas and the Sheeran-Crowley Memorial Trust executed a Memorandum of Understanding.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Because lawyers and law students who suffer from untreated substance use and/or mental health disorders often find themselves before the legal profession's regulatory authorities, TLAP works with the Office of the Chief Disciplinary Counsel (CDC) (particularly the Grievance Referral Program) and the Board of Law Examiners (BLE) (particularly the Character and Fitness Division). TLAP never advocates for or against any attorney before these regulatory entities. From the ranks of its volunteer attorneys, TLAP recruits and trains these volunteers to be monitors for both the CDC and BLE in cases where the disciplined lawyer or law student is ordered to undergo monitoring as part of their probationary sentences. TLAP may also provide consultation, support, and referrals for those lawyers or law students in either of these disciplinary systems in need of such services.

TLAP often participates in the presentations that the BLE makes to all first year law students in order to provide them with information regarding the assistance that TLAP can provide while they are students, as well as throughout their legal careers. When the terms of an order granting a probationary license include requirements for drug testing, TLAP staff will also help the student get signed up with, and oriented to, Certatrust, a third party drug testing provider. TLAP will assign a trained monitor when required in an order. Often, in a preliminary determination made by the BLE that a law student may be lacking the necessary character and fitness to be granted a license, the student is required to consult with TLAP regarding referrals and services. In those situations, TLAP will provide appropriate referrals to professional or peer support groups (e.g. 12-Step recovery or Lawyers Concerned for Lawyers), as well as educational resources.

TLAP has been an active supporter and participant in the activities of the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP). State Bar staff members are appointees to CoLAP's Law School and Senior Committees. The TLAP Director serves on their Advisory Committee. Additionally, TLAP operates the ABA's National Hotline for Judges Helping Judges (800-219-6474) for jurists who are seeking help for themselves or other judges.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014
- the number of contracts accounting for those expenditures
- top five contracts by dollar amount, including contractor and purpose
- the methods used to ensure accountability for funding and performance
- a short description of any current contracting problems

None.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The need for TLAP's services is demonstrated by the fact that members of the legal profession experience mental health and substance use disorders at a disproportionately high rate:

- Lawyers experience depression at one of the highest rates of depression of any occupational group in the United States. *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1085 tbl. 3 (1990).
- Lawyers have almost double the rate of problem drinking as the general population. *Justin J. Anker, Ph.D., Attorneys and Substance Abuse, Butler Center for Research (Hazelden 2014)*
- One study found that, before law school, only 8% of students reported alcohol problems. By the third year of law school, 24% reported a concern about having a drinking problem. Benjamin, G.A.H., Darling, E.J., and Sales, B. *The Prevalence Of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*. 13 International Journal of Law and Psychiatry at 233-246 (1990).
- In a 2014 study of nearly 4,000 participating law students, 14.4% reported that they used prescription drugs in the past year without a prescription, 26.8% reported having an eating disorder, and 20.5% reported that they had considered suicide. Jaffe, D. and Organ, J. *2014 Survey of Law Student Well-Being*.

- A 1992 report by the Occupational Safety and Health Administration found that male lawyers in the US are two times more likely to commit suicide than men in the general population.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

Not applicable.

II. PUBLIC SERVICE

The State Bar of Texas has made public service a core competency by providing a number of valuable services and programs that help the public obtain legal services and understand the legal system.

The Public Service core competency serves the following purposes provided in the State Bar Act:

- 2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;
- 3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;
- 6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and
- 7) to publish information relating to the subjects listed in Subdivision (6).

The following programs are described in this section:

- Archives
- Law-Related Education
- Lawyer Referral and Information Service
- Legal Access Division
- Texas Access to Justice Commission
- Texas Young Lawyers Association

- A. *Name of Program or Function:*** Archives Department / Gov. Bill and Vara Daniel Center for Legal History

Location/Division: Member and Public Services Division

Contact Name: Alexandra Swast

Actual Expenditures, FY 2014: \$138,179

Number of Actual FTEs as of June 1, 2015: 2 FTEs

Statutory Citation for Program: N/A

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Archives Department of the State Bar of Texas serves as the official repository for the permanently valuable records of the State Bar of Texas (1939 – present), as well as the Texas Bar Association (1882-1939) and donated legal history materials. The Archives Department administers the agency Records Management Program in compliance with the requirements of the Texas State Library and Archives Commission.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.**

The true value of an archive is based on administrative decisions to identify and carefully preserve records of past, current, and future value. It is difficult to quantify the importance of a record, or its value, until it is suddenly called forward in response to a request or research need. Prior to the creation of a dedicated archives program and the Gov. Bill and Vara Daniel Center for Legal History, older records may have been lost because no one entity or department was charged with their preservation. The Archives program ensures that important records have a permanent home and that staff are available to serve as custodians.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**

In 1991, The Gov. Bill and Vara Daniel Center for Legal History opened to public researchers interested in Texas legal history. Since its inception, the services and functions of the Center have not changed.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Archives serve the members, staff, and volunteers of the State Bar, and the general public. Archivists provide guided access to all persons interested in viewing original records, both in person and through digital mediums. There are no eligibility requirements for users. Archives works in tandem with State Bar's legal counsel to fulfill public information requests, often creating digitized versions of previously inaccessible paper materials, allowing digital copies to be rapidly retrieved during future requests.

Holdings include official meeting minutes, published journals, photographs, and committee reports, dating from the founding of the Bar in 1939. The Archives program also works to preserve the records of affiliated groups, including the Texas Bar Foundation (TBF), the Texas Young Lawyers Association (TYLA), and the Texas Bar Historical Foundation. These groups conduct significant outreach and education programs. The Archives serves as the repository for the oral history interviews conducted for winners of the Outstanding Fifty Year Lawyer Award from the TBF, as well as the historical public service audio-visual materials produced by the TYLA.

Archives bring new life (a second life) to items produced by the Bar and its members, allowing tenured investments to be enjoyed by future generations.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Archives provides ongoing administrative support for the work of the entire agency, serving as a central repository for the storage and maintenance of permanent records. There is a director in charge of daily operations and one full time archival specialist. Both the director and the archival specialist answer requests for information.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Archives is funded by the State Bar's General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There is no similar program, as the Archives program collects and preserves items that were created, received, and maintained by the State Bar of Texas. Some of the TexasBarBooks publications have been collected by regional law libraries, but those libraries do not provide a comprehensive history of the Bar, its members, or its activities.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

On September 18, 1992, the State Bar of Texas Board of Directors approved a memorandum of cooperation with the Texas Bar Historical Foundation, a nonprofit organization. This agreement allows the Foundation to store its items within the Archives storage areas and operate within the Texas Law Center in compliance with State Bar policies.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The Records Management Program complies with the rules and record retention schedules set by the Texas State Library and Archives Commission (TSLAC). The State Bar of Texas Record Retention Schedule was re-certified by TSLAC in 2012 and is valid for five years.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

- L. Provide information on any grants awarded by the program.**

None.

- M. What statutory changes could be made to assist this program in performing its functions? Explain.**

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Law-Related Education/Law Focused Education, Inc.

Location/Division: Member and Public Services Division

Contact Name: Jan Miller

Actual Expenditures, FY 2014: Law-Related Education \$414,223; Law Focused Education, Inc. \$362,595

Number of Actual FTEs as of June 1, 2015: 2 FTEs

Statutory Citation for Program: N/A

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Law-Related Education (LRE) Department of the State Bar is to act as a catalyst to advance law-related and civic education programming throughout the state, working in collaboration with the legal community, public and private school districts, universities, Regional Educational Service Centers, and individual practitioners. The LRE administers a diverse array of high-quality programs designed to advance the principles of justice and promote civic education and participation.

The mission of Law Focused Education, Inc. is to plan, promote, and support law-related education programs that prepare elementary, middle, and high school students for effective, responsible citizenship and promote principles of liberty, justice, and the Rule of Law.

Major program activities include a range of professional development events – from one-day workshops to four-day intensive academies tailored to elementary, middle, and high school teachers. Each year, the LRE hosts a state-wide conference welcoming 150 educators to engage in structured discussions on advancements in the field, new challenges in the classroom, and analyses of current events.

See Question F for a description of the program's major activities, including curriculum development, educator training, website development and maintenance, and grant administration.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

FY 2014 performance measures include:

Number of courses provided to teachers by LRE/LFEI: 166

Number of teachers trained by LRE/LFEI:	6,436
Number of students taught by trained teachers:	275,887
Number of sessions (visits) to the LRE/LFEI website:	81,124 texaslre.org
Number of sessions <i>Oyez, Oyez, Oh Yay!</i> on website:	69,817 texasbar.com/civics
Number of sessions <i>I Was the First...Vote for Me!</i> on website:	25,578 texasbar.com/iwasthefirst

A sample of teacher feedback:

“I appreciated all the resources made available to us, and am so glad that I am allowed to disseminate them among my co-workers. This has been one of the best trainings I have attended in the quality of teaching, and in how useful and accessible the information presented is. I will be attending other courses presented by LRE.” – *Participant, Hatton W. Sumners Institute on the Founding Documents, San Antonio, July 2013*

“To be able to build upon our initial classroom experiences and enrich our professional knowledge base will be immensely valuable as we step into the classroom on our own this coming fall, as will the ability to network with some of the very best teachers in Texas. None of this would have been possible without the hard work and dedication of all the amazing people involved in bringing social studies to life through the Law-Related Education programs.” – *Participant, Hatton W. Sumners Student Teacher Institute, July 2013*

“Thanks for renewing my enthusiasm—great techniques and good reminders—I’m always looking for new ways to engage not only my students, but also to continue to engage myself in the process.” – *Participant, Law Related Education Conference, Dallas, February 2014*

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The formation of the Law-Related Education Department and Law Focused Education, Inc. was first inspired by the work of Leon Jaworski when he was president of the American Bar Association during 1971-1972. During his tenure as president, he created the Special Committee on Youth Education for Citizenship. In an article for the September 1971 issue of the *American Bar Journal*, he stated “we must teach the child at a receptive age why any free society must rely upon law and its institutions and the nature of the duties that a free society imposes upon its members.”

In 1975, Law Focused Education, Inc., a non-profit entity, was created. It has a non-profit advisory board of directors which meets four times a year and oversees the programs and State Bar efforts. It is structured to receive grant funding for law-related education projects.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The audience served by these programs is primarily made up of educators from public, private, and charter school systems. Parents who home school their children are also served through the website, workshops and student competitions. There are no eligibility requirements to attend and participate in our programs.

The following is a breakdown of the number of educators trained and the number of students affected in FY 2014:

Number of teachers trained by LRE/LFEI:	6,436
Number of students impacted:	275,887

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Law-Related Education Department and Law Focused Education, Inc. can be divided into four areas of responsibility:

Curriculum Development

The LRE uses a standards-based approach to curriculum development and provides engaging and easily-adaptable lesson plans for classroom use. Materials are drafted by leading scholars and master teachers who serve as consultants, and are then vetted by a network of mentor teachers, and practitioners. Many of these resources can be incorporated across the curriculum.

LRE also provides essential tools to teachers where there are persistent problem areas among their students. When the Social Studies Texas Essential Knowledge and Skills were reissued in 2012, resources to teach the numerous historical figures added to each grade level did not exist. Our program developed a "Bio Card" correlated to the TEKS standard on every person mentioned in the standards for grades K-12. They have been distributed statewide at no cost for all types of programs to use. Since that time, the LRE department has developed Early American History Event Cards for 8th grade, Country Cards for 6th grade and Connection Cards for 11th grade.

Educator Training

Educator training is critical to student achievement. Our professional development models allow participants to leave LRE events with a command of the material and a confidence in their capacity to communicate that content effectively to their students.

Professors, historians, and legal professionals are brought in to provide scholarly lectures on topics ranging from the principles of Constitutionalism to the Progressive Era. Participants are able to make contextual connections and share best practices alongside the support and expertise of content experts.

All events incorporate an evaluation component to insure that our programs are achieving maximum effectiveness, allowing the LRE to expand and adapt future trainings to increase the effectiveness of our participants. Staff and consultants remain in touch with teachers throughout the school year to monitor their progress in the classrooms and use feedback to inform future programs and curriculum development.

The LRE program partners with the State Board of Education and the Texas Education Agency to provide accreditation to participants, helping teachers to fulfill their annual Continuing Professional Education (CPE) requirements. Many of our professional development events also offer credit hours from the Texas Association for the Gifted & Talented.

Website

Launched in 2003, the LRE's website is the premier online resource for civic education in the state. It has been enhanced to serve increasingly technology-savvy educators and students. Game development has been the driving force of the growth and success of our web presence. The interactive platforms in English and Spanish engage students as active participants in their civic learning. From *Pirates of the Preamble*, which challenges students to answer questions about U.S. History and the Constitution, to *Objection Your Honor*, which leads players through different legal scenarios, these web-based activities effectively integrate game-play and content. Many web games also come with teacher resources that allow the activities to be used in the classroom.

The website allows the LRE to engage new education professionals that might be searching for resources for the classroom while supporting trained teachers long after their attendance to in-person events. A wealth of free lessons – all of which are correlated to the TEKS – are available to be downloaded and teaching resources (curricula and materials) are expanded each year.

The LRE department maintains and promotes two State Bar of Texas presidential initiatives which are connected to the website. *Oyez, Oyez, Oh Yay!* is a free web-based program that covers all 24 court cases required in the 8th grade American history, 11th grade American history, and 12th grade government TEKS standards. It includes a 12-15 minute video with a viewing guide on each case to be used for initial teaching or enrichment purposes. Matching cards are provided with a concise summary of each case. *I Was the First...Vote for Me!* is designed for kindergarten through fifth grade curriculum. Animated characters introduce students to individuals with important "firsts" in history who are featured in the TEKS standards. There is also an opportunity for students to vote for their favorite first and then see how their choice ranks nationwide. The entire website, animations, and the book, are available

in Spanish and English. These resources have proven to be excellent teaching tools for attorneys and judges during classroom visits throughout the state.

Grant Administration

LRE staff members administer grants from two sources of funding. The Hatton W. Sumners Foundation has provided funding to support the following programs:

- **Institutes on the Founding Documents** which consists of the original 40-hours Founding Document course; 5-day thematic Academy for returning Founding Document participants; Pre-service or Student Teacher Heads Up workshops; and the Pre-service Summer Institute.
- **Texas Citizen Bee**
The Texas Citizen Bee is a statewide civic education program and competition offering teachers and high school students (9th through 12th grades) an exciting way to study America's heritage. The program is based on the online "Study Guide" created by the Bill of Rights Institute found at www.citizenbee.org covering the U.S. Constitution, important documents, people, U.S. Supreme Court cases, civic values, and current events. The regional and state competitions are held in every regional education service center area beginning in March and continuing through April. Winning students from each area are the invited to participate in a State Citizen Bee.
- **Being An American Exploring the Ideals that Unites Us**

This twelve-hour institute is for upper elementary and secondary teachers who would like to explore material which focuses on the significance of America's founding documents and civic values, as well as the contributions of great Americans who were committed to these principles and exemplified these values. The institute focuses on five areas of study:

Section One—The United States Constitution

Section Two—The United States Bill of Rights

Section Three—America's Civic Values

Section Four—American Heroes: Past and Present

Section Five—American Citizenship: A Personal Response

- **Fort Bend ISD (Teaching American History Grant)**

Fort Bend ISD, Spring ISD, and Rice University requested an institute as part of their final Teaching American History Institute. The Institute focused on the history of immigration from early colonial times through the present day.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Law Related Education Department is funded by the State Bar's General Fund (\$414,223). The Law Focused Education, Inc. is funded by the Hatton W. Sumners Foundation (\$361,545) and the Fort Bend ISD - Teaching American History Grant (\$1,050).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

None.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The LRE Department works with universities, regional educational service centers, and school districts. Universities through their departments of education request pre-service workshops on LRE strategies. School districts and regional education service centers request workshops on various topics, such as the founding documents, the Declaration of Independence, the Constitution, and other indicators on the Social Studies TEKS. These entities also have served as competition sites for the Texas Citizen Bee.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

Law-Related Education contract expenditures for the purposes of the State Law-Related Education Conference meals and facility rental for educators; hotel rooms for students,

teachers and parents for the Texas Citizen Bee Competition; hotel space for pre-service and new educators for the Hatton W. Sumners/State Bar of Texas Students Teachers Institutes and website game design and development.

- **the amount of those expenditures in fiscal year 2014;**

\$112,988.40

- **the number of contracts accounting for those expenditures;**

6

- **top five contracts by dollar amount, including contractor and purpose;**

\$71,875: Raining Popcorn Media, Conversion, redesign and creation of games on Law-Related Education/Law Focused Education website. 2013-2014

\$24,696: George W. Bush Presidential Center, State Law-Related Education Conference participant meals and site rental. January 2014

\$4,897: DoubleTree Austin University, Institute 2 Hatton W. Sumners/State Bar of Texas Student Teacher Institute hotel for participants. July 2013

\$4,667: DoubleTree Austin University, Institute 1 Hatton W. Sumners/State Bar of Texas Student Teacher Institute hotel for participants. July 2013

\$4,388: DoubleTree Austin University Texas Citizen Bee participants (student, parent and their teacher) hotel for night before competition. April 2014

- **the methods used to ensure accountability for funding and performance; and**

Funding is approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget during the year, along with the standards of performance specified in the contracts. LRE staff members engage in continuous oversight of contractors and negotiate with contractors to correct any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texaslre.org

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Lawyer Referral & Information Service (LRIS)**Location/Division:** Attorney Compliance Division**Contact Name:** Lisa Zvonek**Actual Expenditures, FY 2014:** \$339,144**Number of Actual FTEs as of June 1, 2015:** 4 FTEs**Statutory Citation for Program:** Tex. Occ. Code, Title 5, Subtitle B, Chapter 952, Texas Lawyer Referral Service Quality Assurance Act**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The State Bar of Texas Lawyer Referral & Information Service (LRIS) is a public service designed to help people access legal representation, as well as other legal resources, state- and nation-wide. Individuals may contact the LRIS by phone, toll-free, on weekdays during regular business hours. Phone services are available in both Spanish and English. Individuals may also access an online service through the State Bar's website at www.texasbar.com/LRIS. Those preferring to receive a referral via email may do so by contacting mail.LRIS@texasbar.com. The LRIS services 240 counties in the non-metropolitan areas in Texas. The eight Metropolitan counties in Texas have local lawyer referral services, which must be certified by the State Bar, as described in more detail below. Callers to the State Bar LRIS needing representation in a county with a local lawyer referral service are directed to that service.

The State Bar LRIS staff members do not give legal advice. Callers are referred to participating attorneys who have enrolled, paid the initial application fee, and met other criteria described in Question E below. The State Bar LRIS does not have participating attorneys who offer free or reduced fee legal assistance. Lawyers to whom callers are referred have agreed to provide an initial 30-minute consultation for no more than \$20. After the initial consultation, a fee arrangement will be determined by agreement between the attorney and the client. The State Bar LRIS has no liability for disputes between the attorney and client, and makes no warranties concerning an attorney's ability to handle a client's particular legal matter.

LRIS also acts as a resource for participating attorneys for fee-generating cases and pro bono opportunities.

Other major activities include certifying and overseeing the local lawyer referral services in Texas, promoting and expanding public use of the statewide service, and monitoring lawyer referral and related issues, information, and trends.

The program takes an active role in partnering with local lawyer referral services in the major metropolitan areas of the state, such as Dallas, Houston, Austin, and El Paso. There are 14 local referral services in the state. (See Question H for full listing) In terms of attorney membership and referrals provided, these local referral services have jurisdiction over their specific counties, while the State Bar LRIS focuses on the 246 counties in non-metropolitan areas. The State Bar LRIS and the local referral services work together to ensure that all inquiries from the public are directed to the most appropriate referral service or resource.

These local lawyer referral services must be certified by the State Bar LRIS as mandated by the Tex. Occ. Code, Chapter 952. Major activities involved in certification include a review of new and renewing applications and comparing local service membership records against the State Bar's membership records to ensure that all attorneys who are members of a referral service are active and in good standing with the State Bar.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The State Bar LRIS fields and screens more than 60,000 calls per year, with an average of 35 percent of the callers directed to a participating attorney, 35 percent to local referral services, and 30 percent to other resources. Participating attorneys reported collecting \$2,344,360 of revenue from LRIS referrals in FY 2014. The State Bar LRIS has maintained a consistent, serviceable level of attorney participation of between 450-550 members.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 1974, the State Bar of Texas Board of Directors approved the State Bar of Texas LRIS. The original purpose of the referral service is still relevant: the program provides services to the public by facilitating its access to qualified attorneys or other resources. The Texas Legislature enacted the Texas Lawyer Referral Service Quality Assurance Act in 1993. The Act underwent a nonsubstantive recodification in 1999, and is now cited as V.T.C.A., Occupations Code, Title 5, Subtitle B, Chapter 952.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The program serves the public by providing affordable access to qualified legal representation. The State Bar of Texas LRIS also serves eligible attorney members of the Bar by providing them with a source of revenue and pro bono opportunities. The State Bar LRIS services local referral programs by reviewing and certifying existing and new programs.

There are no eligibility requirements for the public to receive lawyer referral services. Members of the public needing legal representation and who access the toll free number or the website are referred to an appropriate participating attorney or other resource based on their specific situations. If a person is from a metropolitan area covered by a certified local referral service, the State Bar LRIS provides the person with the contact information to the appropriate local service. More than 60,000 calls were fielded and screened by LRIS staff in 2014, with approximately 20,000 of those callers being referred to a participating attorney. On average, LRIS fields 5,000-6,000 calls per month.

Attorney qualifications for joining the State Bar LRIS are that the attorney be in good standing with the State Bar, abide by the statutory provisions that govern lawyer participation and limitations on client fees, and show proof of Professional Liability Insurance. In 2014, 475 attorneys statewide were members of the State Bar of Texas LRIS.

Local referral services must be certified and comply with the law regarding operation of the service, and must ensure that their attorney members abide with the regulations on lawyer participation and limitations on client fees. A total of 14 local programs were recertified in 2014 (See Question H for full listing)

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The State Bar LRIS program administration is a computer- and phone-focused process:

- Contact information for the LRIS is advertised online and in hard copy Yellow Page directories for markets statewide. The information is also provided in county courthouses and other public offices in brochure and business card form.
- Calls to the toll-free number are handled by an automated call distributor (ACD) that routes calls to an intake specialist.
- The ACD also has an introductory message that provides information on how the State Bar LRIS works. If the caller's phone number is recognized as being from an area that has a certified local referral service, that service's phone number is provided to the caller in the introductory recording.
- When the caller speaks with an intake specialist, that representative asks the caller in what county they need assistance. (If it is a county covered by a local certified referral service, the caller is given that service's phone number.) The intake specialist also requests a brief description of the caller's needs in order to best match him or her with a participating attorney or other resource.
- The intake specialist uses the county and practice area information to initially screen for an appropriate match to attorneys in the LRIS database. Preference notes provided by the

member attorneys are used to further fine-tune the referral selection. The intake representative collects the caller's basic contact information, such as name and phone number, and provides the caller with the name and phone number of an attorney who meets the caller's criteria.

- If an attorney has opted to allow direct call transfers, the intake specialist also offers to transfer the caller to the attorney's office. For callers who decline to be transferred or are being referred to an attorney who has not opted in for call transfer, they are directed to call the attorney's office to make an appointment for a consultation and say they were referred by the State Bar of Texas.
- A referral confirmation with the caller's basic information is emailed to the referred attorney at the time the referral is made.
- Email referral requests are processed in a similar manner to that which is used for phone inquiries. The email address may be found on the State Bar's website, as well as in marketing channels.
- An online system is also available on the State Bar website, which allows people to access an automated referral 24 hours a day, 7 days a week. This system is able to screen based on county and practice area, but not attorney preference notes.

The State Bar LRIS also gives out information regarding Legal Aid, legal hotlines, government agencies, referral services in other states, etc., when appropriate.

The State Bar LRIS staff is comprised of three full-time intake specialists and one full-time manager. The intake staff members field an average of 250 calls a day, and also handle attorney insurance updates, order entry, status reporting, and fee processing and reconciliation. The manager handles program marketing, LRIS program certification, membership processing, relationship management, and statistical analysis, and acts as phone backup when staffing is short or the queue is backed up with calls waiting.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Lawyer Referral and Information Service program is funded by the State Bar's General Fund. Fees collected from participating attorneys are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

As previously described above, there are local referral services that are certified and operate in the major metropolitan areas of the state which are certified by the State Bar LRIS. Membership fees, attorney fees, and professional liability insurance requirements for the local services may differ from the State Bar LRIS.

Attorneys can belong to both the State Bar LRIS and a certified local referral service, provided the attorney understands that referrals from the State Bar LRIS will be for counties outside the metropolitan counties and that there are potentially different participation rules, fees, and insurance requirements for each service.

The 14 certified referral services in Texas are operated by or affiliated with the: Arlington Bar Association, Austin Tenant's Council, Corpus Christi Bar Association, Dallas Bar Association, El Paso Bar Association, Harris County Bar Association, Houston Lawyer Referral Service, Jefferson County Bar Association, Lawyer Referral Service of Central Texas (Travis County), Lawyer Referral Service through the Texas Legal Services Center, North Dallas Bar Association, Plano Bar Association, San Antonio Bar Association, and Tarrant County Bar Association.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The State Bar Board of Directors Policy Manual, Section 7.01.02(D), directs the State Bar LRIS to avoid duplication of services with the local lawyer referral services by ensuring that callers from a major metropolitan area/county are appropriately referred to the local referral service in that area.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Not applicable.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbar.com/lris

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why regulation is needed;**

Regulation of lawyer referral practices is needed to prevent entities from operating referral services solely for profit. The void that once existed in the regulation of referral services was exploited by individuals, both attorney and non-attorney, who did not have public service as a primary goal. Abuses in the system were difficult for the public to detect, and these entities were impossible to stop without an enforcement mechanism. The Texas Lawyer Referral Service Quality Assurance Act was enacted in order to define what constitutes a referral service and establish guidelines for both the operation of a service and attorney participation in a referral service.

- **The scope of, and procedures for, inspections or audits of regulated entities;**

Potential lawyer referral services must submit an initial application to the State Bar LRIS. If approved for certification, annual renewal applications are required. Both the initial application and subsequent renewal applications must include a list of at least 25 attorneys who either want to or already belong to the referral service. These lists are required to be verified against the State Bar of Texas membership records to ensure that the attorney members are in good standing with the State Bar. If, after review of an application, the State Bar LRIS determines that an application should be denied, the applicant may appeal the decision to the Appeals-Grant Review Subcommittee of the State Bar Board of Directors.

- **follow-up activities conducted when non-compliance is identified;**

When non-compliance by an entity operating as a referral service is identified, the State Bar LRIS sends a letter and application for certification to the entity. If non-compliance is habitual, the information is forwarded to the Office of Chief Disciplinary Counsel for review.

If a LRIS attorney member fails to abide by the State Bar of Texas LRIS rules, he or she receives a request for an explanation from the LRIS department director.

- **Sanctions available to the agency to ensure compliance; and**

The enforcement mechanism for closing down non-compliant services is provided in Tex. Occ. Code, §952.203(a), which states “The state bar or a lawyer referral service certified under this chapter may bring an action to enjoin a violation of this chapter and may recover costs and attorney’s fees related to obtaining the injunction.”

If a LRIS attorney member fails to abide by the State Bar of Texas LRIS rules, he or she may be removed by the service.

- **Procedures for handling consumer/public complaints against regulated entities.**

Each certified referral service has its own internal complaint procedures. Complaints sent to the State Bar LRIS are handled by the LRIS department.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.

**State Bar of Texas
Lawyer Referral & Information Service
Exhibit 11: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2013 and 2014**

	Fiscal Year 2013	Fiscal Year 2014
Total number of regulated persons	n/a	n/a
Total number of regulated entities	14	14
Total number of entities inspected (certified)	14	14
Total number of complaints received from the public	4	2
Total number of complaints initiated by agency	n/a	n/a
Number of complaints pending from prior years	n/a	n/a
Number of complaints found to be non-jurisdictional	n/a	n/a
Number of jurisdictional complaints found to be without merit	n/a	n/a
Number of complaints resolved	4	2
Average number of days for complaint resolution	1 day	1 day
Complaints resulting in disciplinary action:	n/a	n/a
administrative penalty	n/a	n/a
reprimand	n/a	n/a
probation	n/a	n/a
suspension	n/a	n/a
revocation	n/a	n/a
other	n/a	n/a

Table 13 Exhibit 11 Information on Complaints Against Persons or Entities

A. Name of Program or Function: Legal Access Division

Location/Division: Legal/Attorney Services Division

Contact Name: Trish McAllister

Actual Expenditures, FY 2014: \$1,441,260

Number of Actual FTEs as of June 1, 2015: 6 FTEs

Statutory Citation for Program: N/A

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of the Legal Access Division (LAD) is to support and implement State Bar policies and initiatives designed to enhance the quality and quantity of legal services available to low-income Texans. Its two primary functions are to support legal aid organizations that provide free and reduced-fee legal services to low-income Texans, and to support pro bono programs and attorney volunteers in assisting low-income people across the state. A summary of the LAD's programs and services follows.

Provider Support Services

Historically, legal aid programs funded by the Legal Services Corporation (LSC is the entity that distributes the money designated by Congress to fund civil legal aid across the nation) received training, publications, and other support from LSC-funded state support centers. In 1995, Congress eliminated federal funding for these centers. The State Bar took up this role in response.

Communication Access Fund. The LAD administers the Communication Access Fund, a program that reimburses members of the State Bar for the cost of auxiliary aids and services, such as sign language interpreters, needed to communicate effectively with clients who have disabilities. These expenses can be burdensome for many attorneys, and, unlike other costs, the law prohibits passing these costs on to the client. The Communication Access Fund ensures attorneys in Texas comply with their obligations under the Americans with Disabilities Act, and helps people with disabilities obtain access to justice.

CLE Scholarships. The LAD provides a wide array of scholarships for legal aid attorneys to ensure that they receive top-rate continuing legal education in areas related to poverty law. Additionally, TexasBarCLE provides free access to resources for legal services attorneys, including the Online Classroom, Online Library, and webcasts. The LAD also offers tuition waivers for TexasBarCLE courses to meritorious pro bono attorneys nominated by their pro bono programs.

Language Access Fund. The LAD administers the Language Access Fund, a program that provides interpretation and document translation for pro bono and legal aid attorneys whose clients have limited English proficiency (LEP). Prior to the Fund, low-income LEP clients languished on waiting lists because pro bono providers could not find attorneys who spoke their languages and the cost of interpretation and translation services was prohibitive for many of them. In FY 2014, 34 different pro bono and legal aid organizations used the Language Access Fund to assist clients speaking 37 different languages including American Sign Language. The top five were Spanish, Vietnamese, Somali, Arabic, and Mandarin. The Fund also provided telephonic interpreters on more than 1,000 phone calls, translated more than 200 documents, and reimbursed legal aid and pro bono providers for approximately 100 on-site interpreters. Usage drastically increased in FY 2015 to serve clients speaking over 50 different languages, including more than 4,000 phone calls, approximately 174 documents, and 130 on-site interpreters.

Legal Research Network. The LAD provides Westlaw, an online legal research tool, to staff at legal aid and pro bono organizations across the state. In FY 2014, the LAD paid for 350 attorney and 90 paralegal and other staff accounts.

Malpractice Insurance. The LAD administers the Texas Legal Services Network Malpractice Insurance Program, which provides basic professional liability coverage for approximately 60 pro bono and legal aid programs throughout the state. In FY 2014, 58 programs participated in the Network and premiums paid by the State Bar totaled \$174,089.77.

ProBAR. This joint project of the American Bar Association and the State Bar of Texas provides pro bono legal assistance to asylum applicants detained in South Texas. The State Bar of Texas contributes to the cost of ProBAR's employee benefits and provides some accounting services.

Pro Bono Net. The LAD pays a licensure fee to Pro Bono Net, a national nonprofit organization, for the platform that serves as the basis for the TexasLawHelp website maintained by Texas Legal Services Center. TexasLawHelp provides a wealth of legal information and self-help resources for self-represented litigants in Texas.

Student Loan Repayment Assistance Program (SLRAP). The SLRAP was created to recruit and retain lawyers who want to work at legal aid organizations but cannot afford to do so because the low salaries paid by the organizations do not cover their student loan debt. The SLRAP provides approximately 100 attorneys up to \$400 per month depending on the amount of their debt for loan repayment assistance. The State Bar has fully funded this program for the past four years.

Technical Assistance. When requested, the LAD provides technical assistance to pro bono and legal aid programs on a variety of topics. The LAD also advises individual attorneys and others who need assistance or who want to do pro bono work.

TexasBarCLE DVD Program. The LAD administers the TexasBarCLE DVD program, which provides free continuing legal education (CLE) programs via DVD for the recruitment of pro bono attorneys. The LAD offers a selection of hundreds of DVDs covering a full range of CLE training topics for Pro Bono Coordinators to utilize in keeping their volunteers up to date through organized screenings.

Publications

Annual Referral Directory. Annually, the LAD compiles and publishes Legal Services and Other Resources for Low-Income Texans. This directory includes legal aid and pro bono programs by county, state agency contacts for legal and quasi-legal matters, lawyer referral services, resources for victims of domestic violence, criminal defendants, juvenile offenders, and military personnel and veterans, as well as self-help resources for self-represented litigants. The LAD distributes the directory to legal aid providers, social service agencies, legislators, and government agencies. It is also available online. In 2014, the LAD distributed approximately 4,000 copies of the directory.

Justice for All Calendar. The Justice for All Calendar is a pocket-sized two-year calendar produced in English, Spanish, and Vietnamese that contains basic legal information written in simple language and contact information for agencies and service providers commonly needed by low-income clients. The LAD distributes the calendars to legal aid organizations, who then distribute them to the client community. The LAD distributes approximately 39,000 English, 25,000 Spanish, and 6,500 Vietnamese calendars every other year.

LegalFront. The LAD publishes LegalFront, a quarterly e-mail newsletter that features news and innovations in the world of pro bono and legal services to the poor, as well as substantive legal articles relevant to a poverty law practice. Distribution has grown to approximately 20,000 attorneys.

Legal Services Attorney e-Handbook. The Legal Services Attorney e-Handbook provides legal aid staff attorneys with information about professional development services as well as trainings and benefits available to legal aid programs through the LAD.

Recruitment, Recognition, and Retention of Pro Bono Volunteers

Awards. Through its Legal Services to the Poor in Civil Matters Committee, the State Bar of Texas seeks nominations for and presents six annual Pro Bono Excellence Awards, which honor individuals, groups, and entities that perform exceptional work in the field of legal

services to the poor. The Legal Services to the Poor in Criminal Matters Committee also seeks nominations for and presents two Indigent Defense Awards. The LAD staff administers the logistics of the award nomination process.

Emeritus Pro Bono Participation Program. The Emeritus Pro Bono Participation Program helps legal aid and pro bono organizations recruit retired attorneys to do pro bono work by allowing them to practice law without paying bar dues or other fees if they limit their practices solely to pro bono work for low-income Texans.

Pro Bono Colleges. The LAD administers the Pro Bono Colleges for lawyers, law students, and paralegals. The Pro Bono College is an honorary society that recognizes those advocates who have far exceeded the State Bar's aspirational pro bono goal in an effort to address the unmet legal needs of the poor by providing a significant number of hours of eligible pro bono service during the previous calendar year. The College honors attorneys who perform 75 hours or more of pro bono legal services to the poor, paralegals who perform 50 hours or more, and law students who perform 50 hours or more during their three years of law school. For the 2014 Pro Bono Colleges membership year, there are currently 770 attorneys, 42 paralegals, and, in its first year of existence, 66 law students (for the 2014-2015 school year). Attorneys who reach the 20-year membership milestone are honored during a Pro Bono Week celebration.

Pro Bono Mentor Program. The Pro Bono Mentor Program helps legal aid and pro bono organizations recruit volunteer attorneys by providing up to 5 hours of CLE credit to lawyers who serve as a mentor or mentee on a pro bono case and complete an MCLE-approved training that helps prepare them to handle pro bono cases or to manage professional responsibility challenges.

Pro Bono Website. The LAD is developing a statewide pro bono website scheduled to launch in 2016. The site will be a resource for pro bono attorneys across the state, providing them with access to free trainings, forms, checklists, and other resources to help make pro bono work easier and more efficient. By addressing common barriers to pro bono, the State Bar hopes to help recruit more attorney volunteers to assist low-income Texans.

Disaster Relief and Other Emergency Support. The LAD assists the State Bar in its efforts to create an information hub for Texans affected by natural disasters, such as the recent floods and wildfires. The LAD establishes a hotline to serve victims of the disasters and helps to recruit volunteers. The LAD works with the State Bar's Communications department to create a web page of relief efforts, to collect volunteer information for legal aid providers, and to connect potential volunteers with the appropriate provider in their area.

Referrals

The LAD responds to inquiries from people needing legal advice and representation. Staff determine the specific needs of the callers and make referrals to the appropriate legal aid organization, pro bono program, government agency, or self-help resource. The LAD also helps callers consider other alternatives when legal services and pro bono options have been exhausted. The LAD also responds to inmate requests for referrals.

State Bar Support

Board of Directors. The LAD assists the State Bar president with any initiatives related to legal services to the poor and works closely with Board groups such as the Affordable Legal Services Committee.

Committees. The LAD provides staff attorney support as the liaison to two standing committees of the State Bar: The Legal Services to the Poor in Civil Matters Committee and the Legal Services to the Poor in Criminal Matters Committee.

- *Legal Services to the Poor in Civil Matters.* The Legal Services to the Poor in Civil Matters Committee monitors developments in, and coordinates efforts with, federally funded LSC providers, private organizations, and local bar initiatives regarding pro bono and legal services to the poor issues. The volunteer members of the committee continue to help the Board of Directors carry out a core mission of the Bar—to assure all citizens equal access to justice. The committee also contributes to the content of the Local Bar Leader Conference Access to Justice track.
- *Legal Services to the Poor in Criminal Matters.* The Legal Services to the Poor in Criminal Matters Committee continues to work toward improving the level and status of indigent defense in Texas. Committee members come from diverse backgrounds and experiences within the criminal justice system: state and federal practice venues, public and private practice settings, prosecution and defense functions, and non-profit organizations and government agencies with an indigent defense focus. To fulfill its mission, the Committee engages in three discrete activities: studying delivery systems, collecting data, and developing recommendations for relevant stakeholders.
- *Pro Bono Workgroup.* The Pro Bono Workgroup is dedicated to enhancing the culture of pro bono in Texas by: educating the legal community in Texas about the value, types, and scope of pro bono service; supporting local pro bono efforts around the state; striving to remove barriers to pro bono service; and facilitating strategic partnerships with the goal of increasing our ability to meet the demand for civil legal aid in Texas.

The LAD administers the Workgroup, which is composed of representatives from across the state and includes representatives from the judiciary, law schools, legal aid, law firms, corporate counsel, law libraries, and other sectors of the legal community.

- *Sections and other groups.* The LAD assists State Bar sections and other groups, such as the Texas Young Lawyer Association, with initiatives aimed at providing legal services to low-income Texans. For example, each year the LAD provides staff support and coordination to the Family Law Section for their Family Law Essentials Seminars. The seminars, which take place in cities across the state, provide several hours of free CLE to lawyers that commit to taking two pro bono cases from their local legal aid providers within a 12-month period. In FY 2014, 307 lawyers participated via live courses or recorded presentations.
- *Task forces.* The LAD provides logistical support to six task forces for legal aid and pro bono attorneys. Each task force meets quarterly to provide substantive practice area updates in family law, immigration law, public benefits and health law, housing and consumer law, education and juvenile justice, and labor and employment law. The LAD pays the expenses incurred for each meeting, including the travel costs of one staff attorney per branch office of a legal aid organization.

Training

Poverty Law Conference. The LAD offers an annual MCLE-accredited three-day conference for legal aid and pro bono attorneys and paralegals from across the state. Topics include substantive legal training in the areas of housing, family law, consumer, employment, and more. The conference also addresses issues commonly confronted by lawyers working with low-income clients, such as best practices for working with clients with limited English proficiency. The LAD pays all the expenses for the conference including scholarships for several participants.

Pro Bono Coordinator's Retreat. The LAD offers an annual 3-day conference that provides pro bono coordinators from across the state with training, resource materials, and opportunities for networking and information sharing. The goal of the conference is to help the coordinators increase the efficiency and effectiveness of the pro bono programs at their respective organizations by educating them about innovations and best practices in the field. The LAD pays all expenses, including travel costs for one pro bono coordinator per branch office of a legal aid or pro bono organization.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.**

The efficiency of the LAD programs stems from centralizing support service delivery in one entity. The legal aid sector simply would be unable on their own to provide the training, referral, and support services that the LAD provides for them. Not only would it be cost-prohibitive, it would be duplicative and unnecessarily expensive for the sector as a whole. By consolidating these functions, the State Bar is able to reduce costs and increase the legal aid sector's ability to serve more low-income Texans because they no longer need to divert human and financial resources to these administrative/support services.

The following FY 2014 Performance Measures demonstrates the effectiveness of the LAD programs:

- Pro Bono Work Performed by Texas Lawyers: The 2013 State Bar of Texas Pro Bono Survey shows that 51% of active in-state attorneys provided an average of 54.6 hours of free pro bono services to the poor in 2013 for an estimated total of 2.37 million hours of free legal services. 21% of these attorneys provided an average of 91 hours of substantially reduced fee legal services to the poor for an estimated total of 1.87 million hours of substantially reduced fee legal services to the poor.
- Total Value of Pro Bono Services to the Poor: more than \$500 million
- Number of Legal Aid Staff Participating in the Legal Research Network: 440
- Number of Legal Aid and Pro Bono Programs in the Texas Legal Services Network Malpractice Insurance Program: 58
- Number of Referrals to Legal Aid and Pro Bono Programs: 3,760
- Number of Tuition Waivers for Legal Aid and Pro Bono Attorneys: 211
- Number of Attorneys in the Student Loan Repayment Assistance Program: 100 attorneys participating for FY 2014-2015 with awards up to \$4,800 annually per recipient depending upon the monthly amount that is due and payable on each recipient's loans.
- Number of Attendees at the Poverty Law Conference: 280
- Number of Attendees at the Pro Bono Coordinators Retreat: 79
- Number of Lawyers Trained in the 2013 Family Law Essentials Seminars: 270 total through 11 locations
- Number of Legal Aid and Pro Bono Organizations that used the Language Access Fund in first 8 months implemented during 2014 (Note: There has been significantly higher usage in its second year): 34
 - Number of languages: 37, including American Sign Language, Spanish, Bengali, French, Arabic, Mandarin, Farsi, Vietnamese, Somali, and many more.
 - Number of client calls assisted with interpretation: more than 1,000
 - Number of document translation request (multiple documents per request): more than 200

- Number of on-site interpretation requests (multiple clients per request): approximately 100.
- Letters from Inmates Responded to: 317
- Training DVDs utilized by legal aid and pro bono providers: 16
- Number of volunteer attorney spotlights posted to Texas Bar Blog to highlight specific pro bono volunteer experiences with a pro bono program: 7
- Number of Proclamations Secured for Pro Bono Week: 2; one from the Governor's office and one from the Supreme Court of Texas

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The LAD, formerly known as Texas Lawyers Care (TLC), was created in 1982. At that time, only twelve local pro bono programs existed. Now more than 100 local and statewide pro bono projects provide legal services to low-income Texans.

Funding for TLC's budget has also changed over the years. In 1982, legal aid and pro bono programs funded by LSC covered TLC's entire budget, with the State Bar providing only in-kind support. However, that changed in 1987 when the State Bar began providing some financial support to TLC. In 1996, in response to the federal cuts to LSC, the State Bar assumed total financial responsibility for TLC and expanded its budget. In 2011, TLC became the Legal Services Support Division and in 2013, it was again renamed the Legal Access Division.

Although the LAD's overall mission of increasing legal services to the poor has not materially changed since its inception in 1982, the department has grown and adapted – and continues to grow and adapt – to changes in the legal aid and pro bono sector by supporting providers in implementing innovative strategies and best practices to address the challenge of providing access to justice for low-income Texans.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The programs and services provided by the LAD most directly benefit members of the State Bar, legal aid and pro bono providers, and low-income clients in Texas. The performance measures listed above provide statistical information on the persons and entities affected.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Legal Access Division is comprised of a director, two staff attorneys, an office manager, a program director, a program coordinator, and an administrative assistant. The director also serves as the executive director of the Texas Access to Justice Commission and certain staff (the program director, the program coordinator, and the administrative assistant) provide support to the Texas Access to Justice Commission. See Part VII, Texas Access to Justice Commission, for additional information.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Legal Access Division is funded by the State Bar's General Fund (\$1,427,260) and donations from State Bar Sections (\$14,000). Revenue generated from the Poverty Law Conference registrations are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Texas Access to Justice Commission (TAJC) serves as the umbrella organization for all access to justice efforts in Texas. (See Part VII, Texas Access to Justice Commission, for additional information.) While it works with many of the same partners as the LAD, it differs in that it focuses on systemic change and raising funds for legal aid and pro bono providers in Texas. It also provides support to legal aid and pro bono providers, but focuses on cutting-edge initiatives and pilot projects that promote access to justice in Texas rather than on providing programs and services that support the day-to-day needs of these organizations. TAJC also provides training; however, it focuses on IT training and on intensive trial academies to hone litigations skills.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The LAD and TAJC share the same director and many of the support staff, so there are meetings that involve staff from both agencies approximately twice per month. Both agencies are attentive to avoiding duplication and conflict.

The LAD also engages in regular consultation with legal aid and pro bono providers as well as local bar leaders and other stakeholders to avoid conflict or duplication of efforts. For example, a bimonthly conference call with the pro bono coordinators from various legal aid and pro bono providers allows an exchange of information so that the LAD can update them on the department's work and stay up to date on what the pro bono coordinators are doing. It also

allows the LAD to stay current on challenges pro bono coordinators are facing and their needs for additional support from State Bar.

The LAD also consults with various committee members and the Pro bono Work Group at their meetings and via email or conference call as necessary. And beginning in 2013, the LAD has been consulting with pro bono stakeholders on the local level through its "Community Conversations on Pro Bono." The LAD hosts meetings in local communities involving local bar leaders, law schools, firms, corporate counsel, legal aid and pro bono providers, and judges to talk about their local culture of pro bono and how the State Bar can support their efforts. These conversations give the LAD another way to ensure no efforts are duplicated and that the services we provide are well tailored to the needs of our constituencies.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The LAD has no formal relationships with any local units of government. However, LAD staff often provides technical assistance, information, referral directories, and other assistance to representatives of various local units of government upon request.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**
 - Malpractice insurance coverage for eligible legal services programs
 - Legal research
 - Interpretation and translation services
 - Hotel contracts for our two conferences
 - Catering for one conference
- **the amount of those expenditures in fiscal year 2014;**

\$401,649

- **the number of contracts accounting for those expenditures;**

5

- **top five contracts by dollar amount, including contractor and purpose;**

\$174,987: The CIMA Companies, Inc., for malpractice insurance for eligible legal services organizations

\$130,200: West, a Thomson Reuters business, for legal aid staff attorneys use of West Law, a legal research tool

\$61,615: Language Line Services, Inc.

\$34,197: DoubleTree by Hilton Austin for Poverty Law Conference (hotel subject to change annually)

\$650: El Arroyo Restaurant for catering for Pro Bono Coordinators Retreat (caterer subject to change annually)

- **the methods used to ensure accountability for funding and performance; and**

The LAD regularly reviews our contracts and the services provided to ensure that they are performing according to expectations. We review all bills to catch any errors or to dispute any issues that arise, which has resulted in some savings over the years by catching inadvertent overcharges. We adhere to the State Bar's internal accounting and review processes as an additional layer to our high standards of accountability. Finally, we also review the overall contractual arrangements we have with different vendors to ensure that we are obtaining the most competitive pricing and services.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Texas Access to Justice Commission**Location/Division:** Texas Law Center**Contact Name:** Trish McAllister, Executive Director**Actual Expenditures, FY 2014:** \$600,542**Number of Actual FTEs as of June 1, 2015:** 4 FTEs**Statutory Citation for Program:** The Texas Access to Justice Commission was created by the Supreme Court of Texas in 2001 by court order, Misc. Docket No. 01-9065.**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Texas Access to Justice Commission (“the Commission”) was created to develop and implement policy initiatives designed to expand access to and enhance the quality of justice in civil legal matters for low-income Texas residents.

The Commission works to achieve its goals in three primary areas: Capacity Building, Policy Initiatives, and Fund Development & Access to Justice (ATJ) Awareness. (See Question F for an explanation of the organization of the Commission and its committees).

Capacity Building

Corporate Counsel Committee. The Commission’s Corporate Counsel Committee encourages companies to adopt policies where in-house counsel can become more active in access to justice issues and activities, including providing pro bono (i.e., free) legal services as a department and participating in resource development. It has successfully encouraged the development of organized pro bono efforts within the legal departments of several companies. It also works to secure funding and sponsors for the Commission’s annual gala benefiting veterans in need of civil legal services.

Law School Advisory Committee. The Law School Advisory Committee is comprised of the deans of all ten Texas law schools and examines the law schools’ role in addressing access to justice for the poor by supporting the development of programs that will expose our future lawyers to access to justice issues and expand the delivery of legal services in Texas through law students, faculty, and staff.

The Committee has implemented an annual Pro Bono Spring Break that pairs law students with civil legal aid organizations during the schools’ spring break weeks, an internship program that provides funding to law students seeing to work at a legal aid organization, and a biannual Access to Justice Leadership Summit for law students and faculty. They are

currently working on determining whether it is advisable and feasible to implement a legal incubator in Texas. Legal incubators are similar to medical residency programs in that they provide recent law school graduates who wish to start a solo practice with training and mentoring on how to handle cases and how to successfully set up a law practice. In exchange, incubator participants agree to free and reduced-fee legal assistance to low income people for a certain period of time.

Legal Education Training Programs Committee. The Legal Education Training Programs Committee creates training opportunities specifically for legal aid lawyers. The yearly Training Academies are a partnership with the American College of Trial Lawyers and the National Institute of Trial Advocacy. They are designed to improve the quality of legal representation for indigent clients by focusing on enhancing legal aid attorneys' trial and pretrial skills. The Training Academies are highly coveted and annually limited to 30 legal aid attorneys, who receive one-on-one personalized training and critique by esteemed members of the American College of Trial Lawyers.

Self-Represented Litigants Committee. The Self-Represented Litigants Committee coordinates local and statewide efforts to increase the ability of self-represented litigants (individuals who are not represented by an attorney; also referred to as pro se litigants) to resolve their legal disputes. It has five subcommittees:

- The Education Subcommittee developed and made statewide “Legal Advice vs. Legal Information” presentations to educate court staff on what constitutes permissible legal information that may be provided to self-represented litigants, as opposed to impermissible legal advice.
- The Limited Scope Representation Subcommittee designed trainings on what limited scope representation is and how to develop a limited scope practice. It also created a toolkit with sample retainer agreements, checklists, and other documents to help practitioners incorporate limited scope into their practices. Limited scope representation is when a self-represented litigant seeks help from an attorney on only part of a legal matter rather than the entire legal matter. It is good for low-income people because it reduces the overall cost of resolving their legal situation and is good for attorneys who can help a client population that would otherwise not have been able to hire them. It is helpful to courts because the self-represented litigant is better prepared and takes less court personnel and judicial time to resolve their matter.
- The Rules Subcommittee reviews policies and practices to reduce barriers to the justice system. It proposed to the Texas Supreme Court a revision to Texas Rule of Civil Procedure 145, which governs Affidavits of Indigency used by litigants who cannot afford to pay court costs. It was heard by the Supreme Court Advisory Committee and is currently being reviewed by the Court. The Rules Subcommittee was dissolved when

the Rules and Legislation Committee was created because the new committee subsumes their work.

- The Assisted Pro Se Subcommittee works to connect self-represented litigants with pro bono attorneys in a variety of ways, such as to give them advice on their legal matter at an advice clinic. The premise is that it is always best to have an attorney's assistance, even if it is for a short period of time. The Assisted Pro Se Subcommittee helped produce a Best Practices guide to Assisted Pro Se Models for the Unrepresented.
- The Self-help Centers Subcommittee created a virtual file cabinet of resources for Self-help Centers and a list serve for law librarians to discuss self-help issues.

Supreme Court Protective Order Task Force

In April 2005, the Texas Supreme Court created the Supreme Court Protective Order Task Force to develop protective order forms for use by pro se litigants who have been victims of domestic violence. The Court designated the Commission as the entity for carrying out this charge. The initial Protective Order Kit was approved by the Court at the end of 2005 and has been used throughout the state to help hundreds of people obtain protection against their abusers. The Protective Order Kit is updated on a regular basis and the Commission will be updating the forms again pursuant to legislative changes passed by the 84th Legislature.

Supreme Court Uniform Forms Task Force

In March 2011, the Texas Supreme Court created the Supreme Court Uniform Forms Task Force to develop Court-approved pleadings and forms for statewide use by indigent pro se litigants in a variety of high need practice areas. The Task Force has created Divorce Set One, which is a set of instructions and forms for a simple divorce involving no children or real property. The Court approved Divorce Set One in November 2012. The Task Force has also created sets of forms and instructions for a name change for an adult and a name change for children.

The 84th Legislature passed two bills requesting that the Court create forms and instructions for use by pro se litigants in probate and landlord-tenant matters. The Commission anticipates working on those forms in the near future.

Technology Committee

The Technology Committee explores and recommends technological solutions to improve the efficiency and effectiveness of legal services delivery. The Technology Committee has developed and implemented several projects over the years to fulfill its mission. Its initial project was to address the inefficiencies and problems experienced by legal aid providers whose information technology (IT) equipment and software was so old that work was routinely interrupted and the software did not communicate with opposing counsel

software versions. The Committee inventoried the IT equipment and software needs of legal aid providers in Texas and negotiated a bulk IT purchase to get baseline equipment and software to legal aid providers. The Committee provides legal aid offices assistance with updating and maintaining their IT equipment and systems, and also developed protocols for IT security and business continuity. The Committee provides IT training for legal service staff in the form of online, webinar, and in-person courses. The Committee is currently working with legal service providers to develop a videoconferencing program, the Distance Lawyering Project, to connect volunteer attorneys with rural self-represented litigants who are unable to afford an attorney.

Policy Initiatives

Legislative Committee

The Legislative Committee monitors, proposes, and supports legislation that increases the availability of funding for legal services to the poor and that would help low-income Texans address their civil legal needs. The Committee educates congressional and state lawmakers on how civil legal aid assists their constituents and improves their communities, and informs them on funding and non-funding legislative issues that increase access to justice for poor Texans.

During the 84th Legislative Session, the Committee supported funding designated for basic civil legal services to indigent people in the Texas Supreme Court budget, including funds for victims of sexual assault and human trafficking and veterans. The Committee also supported bills that would help low-income Texans address their civil legal needs, including bills to create probate forms and landlord-tenant forms for use by pro se litigants.

Rules and Legislation Committee

The Rules and Legislation Committee is a new committee that will identify and propose policies, procedures, and practices that increase access to justice for low-income Texans. It will serve as the entity to which access to justice advocates and legal aid attorneys can report concerns with current rules, legislation, or case law that present barriers to justice. The Self-Represented Litigants Rules Subcommittee, which was more narrowly focused on identifying ways to increase access to justice for pro se litigants, has been subsumed into the work of this Committee. The Committee intends to have its initial meeting in September 2015.

Fund Development & ATJ Awareness

Awards Committee

The Awards Committee identifies and recognizes the exceptional pro bono efforts of members of the legal profession and other access to justice partners. These awards are

presented annually at the Champions of Justice Gala Benefitting Veterans, the State Bar of Texas Annual Meeting, the Magna Stella Awards Dinner for the General Counsel Forum (the Texas affiliate of a national organization for all general counsel of corporations), and the Local Bar Leaders Conference sponsored by the State Bar of Texas.

Bar Leaders for Justice Committee

The Bar Leaders for Justice Committee assists and engages local bar leaders to support local and statewide resource development efforts to increase access to justice for low-income Texans. This Committee helps secure local bar resolutions for use in the Commission's efforts to secure federal funding for legal aid. It also assists in the effort to raise funds during the ATJ Campaign by publishing articles in their local newsletters about civil legal aid and encouraging their members to donate to the statewide campaign.

Fundraising & Annual Event Committee

The Fundraising & Annual Event Committee endeavors to raise funds for the Texas Access to Justice Foundation and to increase the profile of access to justice efforts in Texas. This Committee hosts the annual Champions of Justice Gala Benefitting Veterans. It also organizes the Champion of Justice Law Firm Competition, where law firms compete to raise money for access to justice issues, and promotes the Champion of Justice Society created for individuals who give \$250 or more for access to justice.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The following FY 2014 Performance Measures demonstrates the effectiveness of the Texas Access to Justice Commission programs:

- Amount of ATJ Contributions through the State Bar Dues Statement: \$1,163,569
- Number of Attorneys who made ATJ Contribution: more than 8,250
- Number of Attendees at Veteran's Gala: 400
- Money raised at Veteran's Gala: \$351,450
- Number of Texans who Downloaded the Court-Approved Divorce Forms, Divorce Set One: 3,256
- Number of E-Learning Courses Completed by Legal Aid Staff (Technology Training): 7,945
- Number of Lawyers Participating at Pretrial Academy: 30 Legal Aid Attorneys Trained and 25 Texas Fellows of the American College of Trial Lawyers Participated as Faculty
- Number of Law Student Interns in the ATJ Internship Program: 6

- Number of People at ATJ Commission Workshops at the 2013 Local Bar Leaders Conference: approximately 50
- Number of Law Students participating in Pro Bono Spring Break: 66

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Texas Access to Justice Commission was created by the Supreme Court of Texas in 2001 to serve as the umbrella organization for all access to justice efforts in Texas. The Commission is comprised of 19 Commissioners: 12 appointed by the Supreme Court, including the Chair, and 7 appointed by the State Bar of Texas. There are three ex-officio members, including appointees by the Governor, the Lieutenant Governor, and the Speaker of the House.

Although the Commission's overall mission of increasing access to justice has not materially changed since its inception in 2001, its efforts have grown and changed in concert with current needs. There are several initiatives started by the Commission that have been continued and subsumed into the work of other entities or, as appropriate, discontinued. They are as follows:

The Supreme Court Task Force to Expand Legal Services Delivery

The Supreme Court Task Force to Expand Legal Services Delivery was created to support statewide efforts to expand delivery of legal services to the underserved areas of the state through the involvement of State Bar Sections and professional attorney associations. The Task Force convened all the sections and associations of the State Bar of Texas to discuss access to justice and formulate plans of action within their sections to increase access. For more than five years, all large sections and most mid-size sections have pro bono plans of action or provide financial support to legal aid in the form of grants, summer internship stipends, or a direct gift of money to legal aid. The Commission continues to monitor how the sections are supporting access to justice; however, the State Bar of Texas' Pro Bono Task Force will be working directly with the sections on their various pro bono efforts.

The Court Awards Strategies Committee

The Court Awards Strategies Committee began as a joint committee of the Commission and Texas Access to Justice Foundation with the goal of making attorneys and courts aware of how *cy pres* awards can benefit legal aid organizations. A *cy pres* award is a distribution of funds that remain after a class action settlement has been fully administered. It provides a practical method for dealing with unclaimed settlement funds. *Cy pres* awards can be used to fund important charitable and social causes, such as civil legal aid.

The Committee developed a training program that was presented to lawyers throughout the state as well as a *cy pres* kit that provides information on how to secure a *cy pres*

settlement. The largest award *cy pres* award occurred in 2009 and secured \$2.6M for five legal aid organizations that serve Texans with disabilities. The award arose from a lawsuit concerning a violation of Title II of the Americans with Disability Act where Texans with disabilities were being charged for the blue placards that enable them to park in designated spaces. Because the work of the Committee had naturally reached a point at which only one entity was required to continue the efforts, it was determined that the Texas Access to Justice Foundation, as the grant funder for legal aid organizations in Texas, was best positioned to continue those efforts.

Expanding Civil Right to Counsel Task Force

The Expanding Civil Right to Counsel Task Force evaluated the feasibility of expanding a right to counsel for civil matters in Texas but determined the timing was not ripe and disbanded in 2010.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The efforts of the Texas Access to Justice Commission are targeted to benefit low-income Texans. Specifically, our efforts are designed to help those who qualify for civil legal aid, meaning that their income cannot exceed 125% of the Federal Poverty Guidelines unless they are a victim of crime, in which case their income cannot exceed 187.5% of the Federal Poverty Guidelines. In 2015, 125% of the Federal Poverty Guidelines equates to \$14,713 gross income per year for a single person and \$30,313 gross income per year for a family of four. Approximately 5.6 million Texans qualify for legal aid and Texas has a 17% poverty rate, so the number of people who qualify for legal aid is expected to grow.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Although the Commission was created by the Supreme Court of Texas, it is funded by the State Bar of Texas and its employees are State Bar of Texas employees. The Commission is comprised of 19 Commissioners who serve three-year terms. The Supreme Court of Texas appoints the chair and 11 Commissioners and the State Bar appoints 7 Commissioners. Commissioners are chosen to represent the various stakeholders in the legal community as well as the diverse ethnic, gender, and geographic communities in Texas. There are also three ex-officio members, including appointees by the Governor, the Lieutenant Governor, and the Speaker of the House. (See [Exhibit 11, TAJC Roster](#))

The Commission accomplishes its work primarily through committees established by the Commission. Each committee has a chair and its own members. The Commissioners meet on a

quarterly basis to review the work that has been accomplished that quarter and discuss new and ongoing projects. The Commissioners also receive updates from representatives of partner organizations: the State Bar of Texas, the Texas Access to Justice Foundation, the Texas Bar Foundation, the Texas Young Lawyers Association, and the Legal Services Corporation. In turn, the Commission submits a semi-annual report to the Supreme Court of Texas regarding its activities during the prior six month period. ([See Exhibit 12, Texas Access to Justice Reports to the Supreme Court](#))

The Commission has four dedicated staff members: an executive director, two staff attorneys and a development and communications manager. The Commission also shares support staff of the Legal Access Division of the State Bar. The Commission follows all budgetary policies and procedures set forth by the State Bar of Texas.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Texas Access to Justice Commission is funded by the State Bar's General Fund (\$579,576) and the Access to Justice Foundation (\$18,966) and donations from State Bar Sections (\$2,000).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Texas Access to Justice Commission is the only statewide organization working to implement broad policy initiatives to address access to justice issues for low-income Texans and effect systemic change. Although the Commission works with government agencies, legal aid organizations, and other non-profits who serve the same socio-economic demographic, our work differs because it benefits low-income Texans as a whole, not simply a particular client population or geographic location. For example, Disability Rights Texas works to improve access to courts exclusively for people with disabilities. Legal Aid of NorthWest Texas represents low-income Texans in a variety of civil matters and works to ensure access to court for their clients, but they do so on a case-by-case basis and are limited by providing services only in their geographic area of northwest Texas.

The Legal Access Division of the State Bar of Texas supports the majority of statewide pro bono efforts, including program support and volunteer attorney recruitment. However, the Commission hosts several pro bono programs that are not duplicated by the Legal Access Division: Distance Lawyering Project, Pro Bono Spring Break, and Corporate Counsel Pro Bono. The Commission is able to research and test innovation with pilot projects in a way that the Legal Access Division cannot and is also able to leverage relationships that it has cultivated over the years with law schools, corporations and the like.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The Commission regularly meets with other stakeholders to ensure that we are not duplicating efforts and that we are working collaboratively towards a common goal. These meetings occur during the quarterly Commission meetings as well as in a more informal basis between the Commission meetings. Since the Commission's target demographic is unique but there are many people serving parts of the same group, our goal is to harmonize the efforts of all organizations working with their discrete clientele on access to justice issues.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Because justice for all is a fundamental principle upon which our nation was founded, the Commission maintains a relationship with the judicial, legislative, and executive branches of government. The Commission was created by the Supreme Court of Texas. Justice Eva Guzman serves as the liaison between the Court and the Commission. We work closely with the Court to ensure all Texans have access to the civil justice system.

The Commission maintains a relationship with the executive and legislative branches of government through its three ex-officio members. The Governor, the Lieutenant Governor, and the Speaker of the House each appoint one ex-officio Commission member. These members allow for an exchange of information on access to justice issues that affect Texas citizens.

- K. If contracted expenditures are made through this program please provide:**

- **a short summary of the general purpose of those contracts overall;**

Contracts related to the annual Champions of Justice Gala Benefitting Veterans:

- Facility use agreement, including conference room, event space, and catering,
- Hotel room block for attendees, and
- Event coordinators
- Marketing services related to the annual ATJ Campaign fund raiser, including video production, direct mail campaign, email campaign, and prior donor campaign.
- Website redesign, maintenance, and monthly web hosting
- Custom design work to integrate our donation page that links to our donor database with our website.

- **the amount of those expenditures in fiscal year 2014;**

\$132,584

- **the number of contracts accounting for those expenditures;**

6

- **top five contracts by dollar amount, including contractor and purpose;**

\$66,150 : Door Number 3 for marketing services for the ATJ Campaign

\$37,964: The University of Texas at Austin on behalf of AT&T Executive Education and Conference Center for Facility Use Agreement for the Champions of Justice Gala event

\$12,500: Zocolo Design for the Commission's website design/maintenance and monthly web hosting

\$10,175: Beth Brown and Julie Addington for coordinating the 2014 Champions of Justice Gala

\$3,695: The University of Texas at Austin on behalf of AT&T Executive Education and Conference Center for guest room accommodations with regards to the Champions of Justice Gala

- **the methods used to ensure accountability for funding and performance; and**

The Commission regularly reviews its contracts and the services provided to ensure that they are performing according to expectations. We review all bills and invoices to catch any errors or to dispute any issues that arise, which has resulted in some savings over the years by catching inadvertent overcharges. We adhere to the State Bar's internal accounting and review processes as an additional layer to our high standards of accountability. Finally, we also review the overall contractual arrangements we have with different vendors to ensure that we are obtaining the most competitive pricing and services.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

Through a competitive application process, the Commission awards internship stipends to law students to help fund their otherwise unpaid work at civil legal aid organizations during the summer and school-year. The stipends provide a win-win situation for law students and legal aid organizations. They allow students support themselves financially while working in a unpaid position and provide legal aid organizations and the clients they serve with much needed assistance.

- \$40,000 total ATJ internship stipends awarded annually to eight law students at \$5,000 each.
- \$2,000 monetary award given annually to the recipient of the Law Student Pro Bono Award.
- \$3,000 total monetary awards given annually to three recipients of the Pro Bono Service Award at \$1,000 each. The Pro Bono Service Award is given to local bar associations or sections with the best pro bono service project.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasatj.org

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Texas Young Lawyers Association**Location/Division:** Member and Public Services Division**Contact Name:** Tracy Brown**Actual Expenditures, FY 2014:** \$903,512**Number of Actual FTEs as of June 1, 2015:** 3 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The purposes of the Texas Young Lawyers Association (TYLA) are formally set out in its bylaws:

The purposes of this Association shall be to serve the public interest by facilitating the administration of justice, promoting reform in the law, fostering respect for the law, and advancing the role of the legal profession in serving the public; to serve young lawyers by activities which will be of assistance to their practice of law, undertaking projects and programs which will be of benefit to young lawyers, stimulating the interest of young lawyers in this Association, and establishing a close relationship among young lawyers; to provide training and experience for future bar leadership; to encourage and aid the organization and/or improvement of local young lawyers associations and foster a closer relationship between them and this Association; and to cooperate with the State Bar of Texas, American Bar Association Young Lawyers Division, state young lawyers associations, and other legal and civic organizations in furtherance of the aforementioned objectives.

TYLA is referred to as the “public service arm of the State Bar”. In fact, TYLA focuses 100% of its efforts and funding to serving Texas communities to enrich and improve lives. While many of the projects are designed to benefit the public, others are designed to impact the professional needs of lawyers, especially young lawyers. TYLA works diligently to create relevant programming that serves the citizens of the State of Texas.

In general, major programs and activities include those related to:

Public Service:

- Public Information Pamphlets
- Law Focused Education Curricula
- Legal Services to the Poor Programs

- Educational Videos and Media
- Classroom Programs
- Community Service Projects

Member Service:

- Local Affiliate Assistance and Development (Grants, Bar Leaders Conference, Technology)
- Professional Development (Continuing legal education and educational videos)
- Law Student Development (National Trial Competition, State Moot Court)
- Diversity Promotion (At-Large board members, minority scholarships, mentoring events for women law students, diversity dinners)
- Practice Management tools and education

Specific programs in FY 2013-14 included:

BSAFE: Battling Substance Abuse for Everyone video. TYLA created a multimedia production to help educate youth about the dangers and real-life consequences of substance abuse, provide resources to those who are struggling with substance abuse and their families, and educate the public about the use of drug courts to help deal with substance abuse issues and the benefits these special courts provide.

Consumer Education Pamphlets - 75% of the publications distributed by the State Bar are created by TYLA

National Trial Competition – The National Trial Competition was established in 1975 to encourage and strengthen students' advocacy skills through quality competition and valuable interaction with members of the bench and bar. More than 150 law schools across the country participate in the National Trial Competition each year.

State Moot Court Competition – Open to all ABA-accredited law schools in Texas and held in connection with the State Bar Annual Meeting this competition simulates an appellate court case and competing teams focus on the application of the law to a common set of facts. Each law school team is comprised of two or three team members. The Texas Supreme Court or the Texas Court of Criminal Appeals presides over the final round (depending on whether it is a civil or criminal problem).

TYLA created two pocket guides that provide a quick reference for lawyers on the ethical and State Bar rules governing lawyer advertisements in social media and the grievance and malpractice process. TYLA Pocket Guide: Social Media 101 is intended to explain the rules governing lawyer communications in social media. The TYLA Pocket Guide: Grievance and

Malpractice 101 provides practical tips and resources on how to avoid and deal with these issues.

Ten Minute Mentor segments. *Ten Minute Mentor* features short, 10-minute video segments on a wide range of topics useful to Texas lawyers. The presenters include legal legends, respected jurists, experts in their fields, and a number of young attorneys. *Ten Minute Mentor* is available for free at www.tenminutementor.com

Ten Minute Mentor Goes To Law School Segments. Due to its popularity among practicing members of the bar, *Ten Minute Mentor* has been expanded to cover topics of interest to law school students interested in learning about the ins and outs of practicing law.

Generation Generosity Program. In 2013-14, TYLA partnered with the Dallas Association of Young Lawyers to take its initiative entitled *Generation Generosity* statewide. With this project, TYLA partnered with local affiliates across the state to implement at least one public service event each month. Public service events included assistance to the Lubbock Children's Home, Dallas Habitat for Humanity, and veterans clinics in Gillespie County and Corpus Christi. TYLA also worked with Houston Young Lawyers to sponsor a drive to benefit young people aging out of Harris County's foster care system.

In conjunction with the fall and spring Special Olympic games, TYLA produced a publication, *Peace of Mind: A Guide to Supporting Kids with Special Needs*. *Peace of Mind* is a comprehensive booklet designed to educate families about the need to protect and secure the future of their special-needs children.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Statistics reported for FY 2014 include:

- More than 42,275 printed documents regarding legal issues and topics of particular relevance to the public were distributed;
- More than 1,500 law students participated in the National Trial Competition (NTC) and State Moot Court Competition. The NTC page on the TYLA website had more than 31,000 page views in FY 14;
- More than 24,000 lawyers and law students were reached through *Ten Minute Mentor* and *Ten Minute Mentor Goes to Law School* segments;
- The TYLA website had 321,000 page views The TYLA website had 197,900 unique page views

- Online pamphlets for the public regarding legal issues and related topics on the State Bar website had a total of 46,875 pamphlet downloads;

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

TYLA was originally established in 1930 as the Texas Junior Bar Association, an organization separate from the Texas Bar Association (the predecessor organization to the State Bar of Texas). In 1936, the Junior Bar Association became a section of the Texas Bar Association through an agreement of consolidation. The section was succeeded by the State Junior Bar of Texas in 1939, and the name was changed to Texas Young Lawyers Association by a resolution passed in 1977. It later became a department within the State Bar. Membership in TYLA consists of all lawyers licensed to practice law in Texas who are 36 years of age and under and any new lawyer licensed for five years or less. The core mission of the Texas Young Lawyers Association has not changed over time. While its services have expanded to focus on law-related, public service activities and initiatives, the purposes of TYLA are perpetual.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

All lawyers licensed to practice law in Texas who are 36 years of age or younger or in their first five years of practice, regardless of age, are automatically enrolled in TYLA. TYLA's current membership is more than 25,000 members. TYLA's programs affect all members of the general public. Some projects offer information about legal topics. Others are directed toward underserved members of the community, including the homeless, the elderly, and members of our military. Still others are designed to assist young lawyers in developing and maintaining their legal practices.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Although TYLA is a department of the State Bar, it operates in quasi-autonomy. TYLA has its own board of directors and executive officers elected by the general membership of young lawyer members of the State Bar. State Bar policy provides that TYLA shall be independent in its activities as an association, except that TYLA's budget must be submitted and approved by the State Bar Board of Directors. Members of the board of directors are elected by the general membership of young lawyers in the geographical regions (or districts) that the director

represents. The TYLA board also consists of six non-voting liaisons (a representative from the Texas Supreme Court, a Texas law school student, a Texas law school dean, two American Bar Association Young Lawyers Division representatives, one each from the North and South regions of Texas, and an Access to Justice liaison). There are four minority at-large directors (two representing large cities and two representing small cities) who are recommended by the Diversity Committee of the TYLA with approval of the TYLA Board of Directors. The TYLA Executive Committee is made up of 8 members from the TYLA board. The president is elected by the TYLA general membership and serves on the Executive Committee, as well as the president-elect and the immediate past president. Members of the Executive Committee include president, chair, secretary, treasurer, chair-elect, president-elect, vice president and immediate past president, who each serve one- year terms.

Each year the TYLA president recommends projects for completion during that year. Many projects are considered continuing projects year after year but about 50% are new each year. The TYLA board members serve as chairs, project leads, and members for all committees and are responsible for the actual implementation of the programs. The general membership of TYLA can also serve as members of the committees.

State Bar staff provide support services to TYLA by: providing information to other State Bar of Texas departments, TYLA leadership and volunteers, and individuals or organizations outside the State Bar; maintaining the TYLA database, files, website and eNews; planning, coordinating, and attending all major TYLA meetings and activities; ensuring that adequate arrangements are made for all necessary housing, transportation, and facilities for both business and social events; negotiating and processing of any contracts; preparing meeting materials; providing overall project management of assigned events; preparing materials and providing administrative assistance to committee chairs. State bar staff members also assist the president-elect in developing a formal budget proposal to submit to the State Bar, monitors the approved budget on a regular basis, and prepares/distributes a quarterly Treasurer's Report to the board of directors.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

TYLA is funded by the State Bar's General Fund (\$859,012) and a grant from the Texas Bar Foundation (\$44,500). Fees generated from the National Trial Competition are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

TYLA is unaware of any other programs that provide identical or similar services on a statewide basis. Some local bars have young lawyer groups that operate on a local level.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TYLA works closely with local bar young lawyer affiliates through both the Local Bar Leaders Conference and ongoing communications. TYLA also provides programs that can be implemented at the local level.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;

The Texas Young Lawyers Association contracts expenditures for the purpose of board of directors and executive committee meetings, the National Trial Competition, video production, and website design. These include contracts with hotels for hosting four quarterly board meetings, one National Trial Competition, one video, one executive committee meeting and the TYLA mobile website.

- the amount of those expenditures in fiscal year 2014;

\$199,888

- the number of contracts accounting for those expenditures;

8

- top five contracts by dollar amount, including contractor and purpose;

\$46,621: Synthetic Pictures, Production of *BSAFE: Battling Substance Abuse For Everyone* video.

\$42,536: Omni Hotel in Fort Worth Texas for TYLA Board of Directors meeting in January 2014.

\$37,763: Hyatt Hotel in Austin Texas for the National Trial Competition in March 2014.

\$32,703: Mayan Dude Ranch in Bandera Texas for TYLA Board of Directors meeting in May 2014.

\$15,927: Overton Hotel in Lubbock Texas for TYLA Board of Directors Meeting in November 2013.

- **the methods used to ensure accountability for funding and performance; and**

Funding is pursuant to an annual budget approved by the State Bar board of directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the standards of performance specified in contracts. State Bar staff members engage in continuous oversight of contractors and negotiate with contractors to correct any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

Each year the Texas Young Lawyers Association supports our TYLA affiliates by offering funding for local projects. The primary purpose of the TYLA Local Affiliates Grant Program is to encourage the development of new projects by TYLA Local Affiliates and to strengthen the existing relationships between the TYLA and its member affiliates. Pursuant to this TYLA program, grants are distributed to young lawyers associations for worthwhile projects and programs that support TYLA's mission of service to the public and service to the bar. In FY 2014, TYLA distributed \$19,000 in grants to local affiliates.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.tyla.org

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**

- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

III. PROFESSIONALISM

Assisting lawyers in delivering professional and high-quality legal services to their clients is a key objective of the State Bar, without which public protection and public service would not be possible.

All purposes listed in the State Bar Act are served by professionalism programs and initiatives:

- 1) to aid the courts in carrying on and improving the administration of justice;
- 2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;
- 3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;
- 4) to provide proper professional services to the members of the state bar;
- 5) to encourage the formation of and activities of local bar associations;
- 6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and
- 7) to publish information relating to the subjects listed in Subdivision (6).

The following programs are described in this section:

- Annual Meeting
- Committees
- Communications
- Law Student Division
- Local Bar Services
- Office of Minority Affairs
- Sections
- TexasBarBooks
- TexasBarCLE

A. Name of Program or Function: Annual Meeting**Location/Division:** External Affairs**Contact Name:** Susan Brennan**Actual Expenditures, FY 2014:** \$599,656**Number of Actual FTEs as of June 1, 2015:** 0 FTE (Marketing and Outreach/Local Bar Services staff coordinate Annual Meeting activities)**Statutory Citation for Program:** State Bar Rules, Art. VII, Section 1**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The annual meeting of the State Bar is required by the State Bar Rules to be held during June or July of each year. State Bar staff coordinates all plans for the Bar's annual meeting, which is rotated between major cities throughout the state. Major components include a general membership meeting, including the induction of elected Bar officers and reports from the leadership and courts; consideration of resolutions; annual meetings of most State Bar sections and elections of their new officers. In addition, many continuing legal education opportunities are provided.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Attendance at the annual meeting consistently runs from 2,300 to 2,500 attendees. 2,367 individuals registered for the 2014 annual meeting in Austin, and 2,397 registered for the 2015 annual meeting in San Antonio. Between 40 and 50 continuing legal education programs are generally delivered at the annual meeting by the individual State Bar sections. In addition to receiving legal education course credit, attorneys participate in business meetings and special events, networking with peers, and hear from some of the nation's top legal professionals.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The annual meeting was started in 1938 and has been held each year except 1945 when the nation was at war. Until the 1970s the annual meeting was organized by local bar associations. Originally held in a week-long convention format, it now is conducted in a two-day meeting format. In 2000, the State Bar established the Annual Meeting Task Force to study how the

annual meeting might be reformulated to better address the concerns of the profession in the electronic age.

- E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

The State Bar annual meeting is open to all lawyers, judges, paralegals, law students, and guests. The vast majority of attendees are practicing lawyers and judges.

- F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The annual meeting is planned and coordinated by the Marketing and Outreach Department staff of the State Bar. Because there are no staff members specifically dedicated to support the meeting or who are funded from the annual meeting budget, three staff members from the Marketing and Outreach Department provide staff support. Each year, the State Bar Board of Directors appoints an Annual Meeting Committee, composed of 15 to 20 attorney members from the community in which the upcoming annual meeting will be held. The primary functions of the committee are to obtain sponsors (law firms and exhibitors) to assist with funding for the meeting, and to select speakers for the special events.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

No State Bar General Funds are spent on the annual meeting. All costs are covered by registration fees, sponsorships, and ticket sales for special events.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

No programs provide identical services for the Texas legal community. While TexasBarCLE courses provide similar legal education opportunities in specific areas of law or in general legal skills, there are no other programs that satisfy the Supreme Court mandate for an annual business meeting or provide such a wide variety of training and networking opportunities in one place.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers.**

If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

State bar staff who plan and support the annual meeting and also other CLE programs work to avoid overlap or duplication.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency. N/A

Not applicable.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

Contracted expenditures are made for planning, promotion, and program execution. These include contracts with hotels, convention centers, and vendors who support conference production.

- **the amount of those expenditures in fiscal year 2014;**

\$707,599

- **the number of contracts accounting for those expenditures;**

4

- **top five contracts by dollar amount, including contractor and purpose;**

\$597,687: Hilton Anatole Dallas – Site of the Annual Meeting

\$76,005: Freeman AV – AV for meeting rooms

\$27,406: Freeman Expo – exhibit booths

\$6,500: Emerald City Band – Entertainment for President's Party

- **the methods used to ensure accountability for funding and performance; and**

The budget for the annual meeting is approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget revenues and expenditures during the year, along with the standards of performance specified in the contracts. Marketing and Outreach staff members engage in continuous oversight of contractors and negotiate with contractors to correct any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbar.com/annualmeeting

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Committees**Location/Division:** Member and Public Services Division**Contact Name:** Kanice Spears**Actual Expenditures, FY 2014:** \$219,318**Number of Actual FTEs as of June 1, 2015:** 0 FTE (Member and Public Services Division Director acts as Committee Coordinator and other staff members serve as liaisons to various committees.)**Statutory Citation for Program:** Tex. Govt. Code §81.026**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The State Bar of Texas is guided and propelled by its statewide network of volunteers. To make the most efficient use of volunteer time, the State Bar Board of Directors utilizes committees extensively to accomplish a wide variety of often highly-specialized tasks. The State Bar Act, codified in Chapter 81, Government Code, authorizes the board to create committees it considers advisable and necessary to carry out its statutory purposes. Both attorneys and nonattorneys may be appointed to committees.

The State Bar staff members, who assist in carrying out decisions the volunteer committee members make and the direction they set, are only a small part of the overall State Bar workforce. The staff acts on the decisions made by the board of directors regarding policies, programs, and budget. Often, the board's decisions are precipitated by recommendations from committees which comprise the heart of the organization's volunteer structure.

Standing and special committees gather and analyze information and make recommendations to the board regarding related programs and/or policies that improve the administration of justice. Committees also assist in implementing the board's decisions and policy initiatives. The roles and functions of the committees are varied. They fall into the following major categories:

- Advisory

In many cases, the committees act as advisors to decision makers and staff in specific areas. An example of such a role is the Bar Journal Board of Editors whose purpose is to "advise and assist the editor of the *Texas Bar Journal* with all matters of policy, content and substance."

- Regulatory

Two standing committees perform regulatory functions to ensure compliance with specific regulations. The Advertising Review Committee is charged with reviewing all attorney public

media advertising and written solicitation communications submitted for review as required by the Texas Disciplinary Rules of Professional Conduct. Monitoring attorney compliance with requirements for continuing education is the responsibility of the Minimum Continuing Legal Education Committee.

- Rules Revisions

Several committees are charged with studying rules and specific areas of the law and recommending possible revisions. Committees in this category include the Court Rules Committee, which reviews the Rules of Practice in civil actions and related Texas Statutes; the Administration of Rules of Evidence Committee, which monitors the Code of Evidence, Rules of Evidence, and related Texas statutes; and the Texas Disciplinary Rules of Professional Conduct Committee, which evaluates the rules of conduct and makes suggestions for revisions to the State Bar Board of Directors.

- Service to the Public

Several committees are charged with assisting the public with a variety of matters. This group includes the Legal Services to the Poor in Civil Matters and the Legal Services to the Poor in Criminal Matters committees. Those committees' activities have included policy studies and developing recommendations for encouraging attorneys to donate free legal services to the indigent. Other public-service oriented committees include Law Focused Education, which works with schools to train teachers and implement curricula that enhance students' understanding of our Founding Documents and individual rights, and the Child Abuse and Neglect Committee, which educates the public to fight against child abuse by providing DVDs free of charge.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Each committee performs a separate function and works on mutually exclusive projects.

Per State Bar Board Policy Manual, 4.04.10 (Committee Reports), every committee submits two reports each year; an outline of projects and objectives of the committee for the coming year, due September 30; and a final report due April 1 which is published in the July issue of the *Texas Bar Journal*. ([See Exhibit 13, Committee Reports](#))

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

While the intent and purpose of committees has remained constant, the specific committees and projects have changed as needed over time.

During the last Sunset Review, Texas Government Code §§81.122 (2) and 81.123 were added regarding committees. The State Bar's Executive Committee now reviews all standing committees of the State Bar biennially. This process has resulted in the elimination of eight committees whose work was deemed no longer necessary or where consolidation with other committees was possible. In addition, before the Executive Committee approves the creation of a new committee, it must determine the fiscal impact that creating the new committee would have on the State Bar budget and poll the chair of each existing committee to determine whether the matter to be addressed by the proposed committee could be addressed by an existing committee.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

All member of the State Bar of Texas are eligible to serve on State Bar committees. Individual committee purposes outline the charge of a particular committee. A list of committees and the number of members of each is included in Part IV of this report.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Standing and special committees are established by the board of directors, usually upon recommendation of the State Bar president, who also appoints committee members. The members serve staggered three-year terms, so one-third of them rotate off the committee each year, which provides a continual influx of new members. Committee membership consists primarily of attorneys, but some committees also have non-attorney (public) members.

The State Bar Board of Directors keeps a close relationship with committees through board advisors. At the start of each fiscal year, each member of the board is appointed to act as a liaison to specified committees. The board advisors are expected to attend meetings of committees assigned to them, update the committees on board activities, ensure the committees fulfill their responsibilities, and report to the board committee activities.

The activities of committees are also supported and assisted by the State Bar staff via a staff liaison who helps coordinate committee meetings, provides resources, and generally facilitates the committee's work. One staff member, the committee coordinator, provides support to many committees by making arrangements and sending notices for meetings, and facilitating communications between the State Bar and its committees. The committee coordinator serves as the main point of contact for all committees.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding

conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Committees are funded by the State Bar's General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other entities within the State Bar that provide services or functions similar to the State Bar committees. The Texas Young Lawyers Association (TYLA) has a variety of committees designed to serve the public and the profession, but those committees are more program oriented and are coordinated so as not to overlap.

Externally, there are many local, specialty, and minority bar associations that also have committees that may be similar to State Bar committees, however those committees generally work on issues that affect local populations; the State Bar committees work on projects that affect the general public and all attorneys in Texas.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

When State Bar committees and TYLA committees have similar purposes, the leadership and staff work with committee chairs to prevent duplicate efforts. Also, the TYLA president, president-elect, and immediate past president serve on the State Bar Board of Directors. This also enhances communications about activities so that potential overlap can be identified and addressed. Board advisors and the State Bar staff liaisons for committees also play a key role in identifying and avoiding potential areas of overlap. Through its biennial review process the Executive Committee also identifies overlap and has dissolved committees when warranted.

State Bar committees and TYLA committees make their materials available to local bars to prevent a local bar from having to create similar materials.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;

The only contracted expense was the Paralegal Committee's annual program called "The Annual Paralegal Forum" This event was a CLE program attended by attorneys, paralegals, and students.

- **the amount of those expenditures in fiscal year 2014;**

\$5,834

- **the number of contracts accounting for those expenditures;**

1

- **top five contracts by dollar amount, including contractor and purpose;**

\$5,834: Cityplace Conference Center - meeting space

- **the methods used to ensure accountability for funding and performance; and**

Funding is pursuant to an annual budget approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget during the year, along with the standards of performance specified in contracts. State Bar managers are delegated responsibility for continuous oversight of contractors and, through negotiation with contractors, for correcting any lapses in performance. The Executive Committee reviews committees and dissolves them when warranted.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbar.com/committees

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

Not applicable.

A. Name of Program or Function: Communications**Location/Division:** Communications Division**Contact Name:** Lowell Brown**Actual Expenditures, FY 2014:** \$2,287,831**Number of Actual FTEs as of June 1, 2015:** 12 FTEs**Statutory Citation for Program:** Tex. Govt. Code §§22.108(c); 22.109(c); 33.005(e); 81.012(7); 81.0215(c); 81.023(a); 81.0242(2); 81.038; and 81.115(3)**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The overall objective of the Communications program is to ensure effective communications strategies relating to the numerous programs and issues affecting the State Bar, the members of the legal profession, and the public. The primary activities include: publication of the *Texas Bar Journal*, the official publication of the State Bar of Texas; development and maintenance of TexasBar.com, a website that provides useful information to lawyers and the public and a web portal for Texas lawyers; and distribution of public information, which includes social media, news releases to publicize State Bar activities, and public service pamphlets. Members of the Communications Division also provide graphics design and printing coordination for various publications, newsletters, directories, brochures, reports, and annual meeting logos and signage.

Texas Bar Journal

- Serves as the publication of record of the State Bar of Texas, distributed to every lawyer in Texas
- Includes diverse content including news about pro bono opportunities and upcoming events, articles on specific legal topics, articles illustrating the importance of ethics and the rule of law, tips about office management and technology developments, and other information that enables the State Bar members to be better lawyers
- Publishes all rules of evidence, rules of appellate procedure for criminal cases, and other rules issued or amended by the Supreme Court of Texas; any public statements, sanctions, and orders of additional education issued by the State Commission on Judicial Conduct; a report of annual performance numbers included in the State Bar Strategic Plan; any auditor's report regarding the State Bar, and statistics regarding participation in State Bar elections (all as required by state law)

TexasBar.com

- Provides attorneys with online information and tools to help them stay up-to-date with rules, compliance, member benefits, grievance and ethics resources, local bar services, and access to justice information, and free access to legal research tools
- Allows attorneys to pay dues, fees, update continuing legal education information, and edit profiles and contact information
- Provides information on the disciplinary process and ethics opinions
- Provides the public with information about their legal rights, the legal profession, and free legal resources, and provides tools for people who need to find a lawyer or file a grievance
- The site's most-used feature is its Find a Lawyer directory, which is searched by both attorneys and the public. The directory contains online profile information mandated by Tex. Govt. Code, §81.115
- Serves as a clearinghouse of disaster response information and legal resources in the wake of natural disasters such as hurricanes and wildfires

Public Information

- Provides free printed and online legal pamphlets on a multitude of topics as a public service
- Prepares and distributes news releases, media advisories, and social media updates to publicize State Bar programs and activities to educate the public about the legal profession and the judicial branch of government

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The Texas Bar Journal measures the success of its goals and objectives by feedback from its readers, quality of articles, diversity of content, and public awareness. In addition to sending letters to the editor, readers share stories that have been pushed out on State Bar of Texas social media channels. Other bar journals and members of the press do the same, including many newspapers throughout the state that report on attorney disciplinary actions. The Texas Bar Journal receives phone calls and in-person communications from bar leadership and the courts that indicate the *Bar Journal* is providing lawyers and the public with useful information about the legal system.

In 2014, 1,341 attorneys participated in the *Texas Bar Journal* Readership Survey, which was conducted electronically. Data from the survey indicated that 60 percent of Texas attorneys are frequent readers of the *Bar Journal*; 74 percent agree that the *Bar Journal* is credible/reliable; and 67 percent agree that the *Bar Journal* is well written. Texas attorneys spend about 28 minutes on each issue. Comments provided additional feedback, including the following:

- Commend your work on the *Bar Journal*—I have been licensed for 42 years. Look forward to reading the journal each month.
- I really enjoyed the Social Media issue. It was very well written and very informative. This is a rapidly changing area of the law. I prefer articles that are practical and useful as opposed to academic.
- I sense the TB Journal is improved in the last two or three years.
- You're doing a great job—this is my favorite publication.

TexasBar.com

TexasBar.com measures the success of its goals and objectives through user feedback and analytics.

For the FY 2014 (June 1, 2013 through May 31, 2014) Google Analytics reported:

- 4,297,917 sessions
- 2,006,551 users
- 24,100,428 page views
- 3:29 seconds average session duration
- 2,711,538 page views of My Bar Page
- 818,951 page views of Update My Profile
- 654,310 page views of Pay My Dues and Taxes
- 6,928,999 page views of Find a Lawyer
-

Public Information

All statistics are for 2013-2014:

- Distribution of printed information regarding legal issues and topics of particular relevance to the public: 42,275 pamphlets.

- Distribution of multimedia information regarding legal issues and topics of particular relevance to the public: 51 news releases, media advisories, and op-eds.
- Distribution of online information regarding legal issues and related topics of particular relevance to the public: 46,875 pamphlet page views and 2,951 media page views.
- Visits to pages on State Bar-related websites containing legal information on legal issues of importance to the public: 46,875 pamphlet page views, 2,951 media page views, 1,643 unique views, 24,100,428 total page views on the SBOT website, and 12,218,159 unique page views.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

Several of the State Bar's statutory purposes relate to communications, specifically the obligation to publish information relating to the practice of law, the science of jurisprudence and law reform, and the relationship of the State Bar to the public.

The services and functions provided by the State Bar to fulfill those purposes, including the Texas Bar Journal, the TexasBar.com website, and the other public information services, have remained consistent for many years. In recent years, there has been an increased social media presence and a private social media network has been launched for State Bar members.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Texas Bar Journal is of use to every attorney licensed to practice in Texas. The magazine is the publication of record for the State Bar of Texas. For the June 2015 issue, 113,541 copies were mailed out to domestic and foreign subscribers. TexasBar.com provides useful information to the public, the media, law students, attorneys, and judges. For FY 2014, there were 4,297,917 sessions and 2,006,551 users. And the activities of the Public Information section potentially affect all Texas attorneys and consumers of legal services.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The State Bar president appoints members to the committee that serves as the Texas Bar Journal Board of Editors. The committee meets with magazine staff to determine legal topics to address in upcoming issues and consider submitted articles for publication. The board provides

overall guidance, votes on submissions, and recommends authors to write substantive legal articles. The Texas Bar Journal staff members brainstorm ideas for additional content; write and edit articles; select artwork; and produce the magazine.

The Texas Bar Journal is published every month except August. The magazine follows strict deadlines to ensure that all materials are to the printer at the required time and date. Content/stories are written by lawyers, professionals, and State Bar staffers and are edited, copyedited, and fact-checked by Texas Bar Journal staff. The magazine is produced by the Texas Bar Journal staff and then sent to a printer, RR Donnelley, to be printed, bound, and mailed. The Bar Journal's staff report to a department head.

TexasBar.com is continually updated and monitored by TexasBar.com staff who work closely with members of the State Bar of Texas information technology department and other bar departments. TexasBar.com staff provide customer support and troubleshooting to attorneys and the public. Content changes are made daily based, for example, on information from the State Bar, current events, and the court system. TexasBar.com staff report to the TexasBar.com department head.

The Public Information program is administered by a public information director, who reports to the Communications Division director.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Communications Division is funded by the State Bar's General Fund. Advertising revenue and royalties from the Texas Bar Journal and TexasBar.com are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Texas Bar Journal - There are no programs providing identical services or functions to the target population. Internally, similar services are provided by various State Bar of Texas departments that disseminate news and materials targeted at attorneys and the public—the Legal Access Division, the Law-Related Education Department, the Texas Lawyers' Assistance Program, the Texas Young Lawyers Association, and sections of the State Bar all publish in one form or another news about programs, volunteer opportunities, and events. Externally, news organizations, such as the Texas Lawyer, feature articles on the legal profession, the judiciary,

and the Legislature. These entities do not publish a magazine like the Bar Journal, which includes articles of substance coupled with State Bar news, Supreme Court orders, ethics opinions, and more.

TexasBar.com - There are no programs providing identical services or functions to the target population. Internally, similar services are provided by departments within the State Bar, such as TexasBarCLE, TexasBarBooks, Law-Related Education, and the Texas Young Lawyers Association. These departments feature websites that provide information about the legal profession to lawyers and the public. Externally, news organizations such as the Texas Lawyer and the Texas Tribune provide news and information about the legal profession and the Legislature via their websites. These entities do not publish the same content as TexasBar.com and do not provide lawyers with the means to pay their dues, manage their minimum continuing legal education compliance, or maintain an official online lawyer directory as does TexasBar.com.

Public Information - No other program produces news releases or distributes public information pamphlets for the State Bar of Texas. Free legal resources are provided by other organizations, with varying degrees of quality. People who access State Bar resources can be sure they are receiving accurate information from a legitimate source.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The editors of the Texas Bar Journal and TexasBar.com coordinate with other departments and legal organizations to ensure content is reaching the intended audiences in a timely manner.

With respect to the dissemination of public information, the State Bar coordinates with local and specialty bar associations and websites such as TexasLawHelp.org to share resources and ensure greater distribution of information to the public.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Texas Bar Journal is in contact with the Texas Supreme Court, the Texas Court of Criminal Appeals, the Board of Disciplinary Appeals, and the State Commission on Judicial Conduct.

TexasBar.com links to the Texas Supreme Court, the Texas Court of Criminal Appeals, the Texas Courts of Appeals, Texas Courts Online, and the Office of Court Administration. Resources from and news about the judiciary are often featured on TexasBar.com and State Bar social media.

The Public Information Department is in contact with the Federal Emergency Management Agency, typically through our American Bar Association Young Lawyer Division representative(s), during natural disasters, related to the State Bar's Disaster Response Hotline. The hotline helps people find answers to basic legal questions by connecting them with local legal aid providers.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

Printing and website services.

- **the amount of those expenditures in fiscal year 2014;**

\$682,403

- **the number of contracts accounting for those expenditures;**

15

- **top five contracts by dollar amount, including contractor and purpose;**

\$536,726: RR Donnelley (print, bind, and distribute the Texas Bar Journal)

\$73,000: Higher Logic (built/administers Texas Bar Connect, a private social media network for members)

\$29,392: McCarthy (printing of news/pamphlets)

\$10,596: LexBlog (blogging platform/network for TexasBar.com)

\$8,000: Affinity Circles (Texas Bar Circle private network platform; service formerly used for TexasBar.com)

- **the methods used to ensure accountability for funding and performance; and**

For all projects, budgets are approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget revenues and expenditures during the year. Standards of performance specified in contracts are also carefully monitored. The Bar Journal, its articles and artwork are checked for print quality. The TexasBar.com website is checked routinely to monitor functionality and performance.

- a short description of any current contracting problems.

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbar.com

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Law Student Division of the State Bar of Texas**Location/Division:** Member and Public Services Division**Contact Name:** Bree Trevino**Actual Expenditures, FY 2014:** \$18,876**Number of Actual FTEs as of June 1, 2015:** 0 FTE (The administrator of the Law Student Division program also performs duties for the Texas Young Lawyers Association)**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The purpose of the Law Student Division is to enhance law students' participation in the administration of justice, the advancement of professional responsibility, and the implementation of public service programs in cooperation with the Texas Young Lawyers Association (TYLA) and the State Bar of Texas. See Question E, below, for a description of how individual law students may become members of the Law Student Division of the State Bar.

Representatives from each of the nine Texas law schools currently accredited by the American Bar Association (ABA) are asked to hold membership drives at orientation or student organizational fairs to recruit law students to join the division and organize State Bar of Texas and Texas Young Lawyers Association programs on campus. The campus representatives are also responsible for distributing information to the students regarding scholarships that are awarded in the fall and spring semesters.

The Law Student Division makes the *Section Mentoring Program*, the *Law Practice Management Program*, and the *Texas Access to Justice Program* available to all ABA-accredited Texas law schools annually.

The Law Student Division has a board of directors, comprised of members elected from each of the accredited law schools in Texas. The Chair of the Law Student Division Board serves as a liaison to the Texas Young Lawyers Association Board of Directors and attends all quarterly board of directors meetings.

The Law Student Division Board has two in-person meetings and two conference calls each year.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

All nine ABA accredited law schools (Baylor Law School, Southern Methodist University Dedman School of Law, South Texas College of Law, St. Mary's University School of Law, Texas Southern University Thurgood Marshall School of Law, Texas A&M University School of Law, Texas Tech University School of Law, University of Houston Law Center and University of Texas School of Law) have orientation sessions where the State Bar of Texas president and/or Texas Young Lawyers Association president speak to the new students beginning law school and welcome them to the profession. Each member of the Law Student Division Board holds membership drives at the law school they represent to promote the benefits of joining.

During 2014, programs were presented for law students—including a Law Practice Management Program held at Texas Tech University School of Law and the Section Mentoring Program at Texas A&M University School of Law.

More than 400 students joined the Law Student Division during the fiscal year 2013-2014.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

None.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Law Student Division of the State Bar of Texas membership is open to any unlicensed person enrolled in an accredited law school. Any graduate law student who has not been licensed may remain a member of the Law Student Division. Any person enrolled in an accredited undergraduate program of study at an institution of higher education is eligible to become an associate member of the Division. Any person eligible and who pays the membership fee of \$15.00 is a member of the Division for the school year in which the fee is paid. Membership fees are determined by the Law Student Division Board with the approval of the State Bar Board of Directors. Fees take effect on June 1 in the year in which the fee is paid and membership expires on May 31 of the following year.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The governing body of this Division is of a board of directors. The board consists of students from each ABA-accredited law school in Texas.

Law Student Division Timeline:

JUNE – Law Student Division Orientation held in conjunction with the State Bar Annual Meeting.

AUGUST – Law schools invite SBOT and TYLA presidents to speak to the incoming first year students during their law school orientations.

AUGUST AND SEPTEMBER – Law school campus representatives have tables set up during student organizational fairs and pass out information encouraging students to join the Law Student Division and explain the benefits of joining.

SEPTEMBER – Law school campus representatives schedule programs for the semester for speaker presentations from the Sections, Law Practice Management, Access to Justice, and TYLA.

OCTOBER – Law Student Division meeting in Austin. Deadline for students to apply for the \$1,000 Legal Professionalism Award.

JANUARY - Law school campus representatives schedule programs for the semester for speaker presentations from the State Bar Sections Department, Law Practice Management Committee, Access to Justice Commission, and TYLA.

FEBRUARY – Law Student Division conference call.

APRIL – Law Student Division meeting in Austin. Deadline for students to apply for the \$1000 Spring Essay Contest.

MAY – End of the year reports for campus representatives.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Law Student Division is funded by the State Bar's General Fund. Law Student Division dues collected are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

None.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

- K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

- L. Provide information on any grants awarded by the program.

None.

- M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbar.com/lawstudentdivision

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;

- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Local Bar Services**Location/Division:** External Affairs**Contact Name:** Erin Feemster**Actual Expenditures, FY 2014:** \$391,367**Number of Actual FTEs as of June 1, 2015:** 3 FTEs**Statutory Citation for Program:** Tex. Govt. Code §81.012(5)**B. What is the objective of this program or function? Describe the major activities performed under this program.**

One of the statutory purposes of the State Bar is to encourage the formation of and activities of local bar associations. The Local Bar Services department, as a component of the Marketing and Outreach Department, serves as a liaison to approximately 250 local bar associations across the state. A menu of general services offered by the State Bar is provided to each local bar association, along with contact information for the appropriate State Bar staff members and departments. The provided services include guidance and assistance with: creating a new bar association; conducting demographic studies, elections, and surveys; law-related education services for local students; coordinating pro bono activities; planning projects and events; obtaining high-quality speakers for local bar meetings; low-cost, custom-designed legal education programs; and strategic planning.

The Local Bar Services department also informs local bar associations about additional resources available online, including; free legal research; online resources for representing low-income or disadvantaged clients; lesson plans and teacher training for law-related education for students; state bar member benefits; the Texas Bar Private Insurance Exchange; the Texas Lawyers' Assistance Program; the Texas Lawyers for Texas Veterans program; and mentoring resources for individual attorneys.

The department coordinates the annual Local Bar Leaders Conference, hosted by the State Bar along with the Texas Young Lawyers Association and the Texas Access to Justice Commission. For each local bar, the State Bar provides travel expenses for up to three delegates to attend the two-day conference, which offers training, skill-sharing, and networking opportunities for bar association leaders. Attendees receive information on such topics as: services available from the State Bar; leadership; law-related education programs; ethics; meeting management; pro bono (free or reduced-fee) programs; and local projects to support attorney members.

Finally, the department provides support to local bar associations for *Texas Lawyers for Texas Veterans* clinics, a project launched in 2010 to encourage volunteer attorneys to operate free legal clinics for veterans. The State Bar's Local Bar Services department provides a "clinic in a

box” to local bars that want to start a clinic. The boxes include everything needed to operate the clinic, including, among other things: office supplies; a directory of legal and other resources needed by veterans; an extensive set of printed materials on how to start and operate the clinics; a Legal Advice Clinic Handbook; income guideline charts; substantive law guides and pamphlets; sample signage, sign-in sheets, and applications; and pre-printed questionnaires regarding typical legal problems, ranging from divorce and custody to consumer issues to probate and estate planning issues.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

One of the most important functions of the department each year is the Local Bar Leaders Conference for local, minority, and special purpose bar association and TYLA affiliates. This two-day leadership program is historically attended by approximately 300 delegates.

While statistics are unavailable on number of requests for other services, two State Bar staff members answer questions and requests from local bar associations on a daily basis by phone and email. From January 1, 2012, through December 31, 2014, the Local Bar Services webpage on the State Bar website was viewed 3,531 times by 1,910 unique users.

Through *Texas Lawyers for Texas Veterans* clinics, 4,000 local volunteer attorneys have assisted more than 13,000 veterans. More than 55 local bar associations in Texas host weekly, monthly, bimonthly, or annual legal advice clinics for veterans. In addition, the Texas Young Lawyers Association produced the informative pamphlets, *Resources for Veterans Seeking Help* and *Resources for Lawyers Assisting Veterans*. More than 13,000 copies of the veterans’ guide and nearly 3,400 copies of the lawyers’ guide have been distributed.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Local Bar Services program was established in 1974. The first statewide Local Bar Leaders Conference was held in Austin in January, 1981. Although there had occasionally been *regional* bar leader conferences before that time, the 1981 conference was the first one provided in a statewide format as it exists today.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

All local, minority, and special purpose bar associations and TYLA affiliates are eligible for assistance from the Local Bar Services department. During the State Bar’s 2014 fiscal year, 96 different bar associations sent delegates to the Local Bar Leaders Conference. 263 local,

minority, and special purpose bars reported contact information for their leadership to the Local Bar Services department.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Local Bar Services works in conjunction with Marketing and Outreach, three staff members work in coordination with other State Bar staff to ensure all necessary services are provided to local bars. State Bar staff also works with the Local Bar Services Committee. These volunteer committee members assist with planning and staffing the Bar Leaders Conference, and coordinate certain awards recognizing local bars and local bar leaders. These include the Stars of Texas Bars awards that are presented by the State Bar to recognize local bar associations for outstanding community involvement, commitment to increasing access to justice, and dedication to the profession, and the Judge Sam Williams Award, which recognizes an individual who has impacted his or her community, served on community or state organizations, or improved the public's understanding of the legal system.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Local Bar Services department is funded by the State Bar's General Fund. Any sponsorship funds generated from the Local Bar Leaders Conference are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Local Bar Services department acts as the main point of contact for all local bar associations to ensure accessibility to the State Bar. The American Bar Association (ABA) Division of Bar Services provides bar association assistance on a national level.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Local Bar Services department coordinates with the ABA Division for Bar Services, including ABA participation at the annual Local Bar Leaders Conference. In addition, the State Bar provides links on its website to articles and tips prepared by the ABA on issues of interest to local bar associations.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

Local Bar Services contracts each year for seminar program execution of the Local Bar Leaders Conference.

- **the amount of those expenditures in fiscal year 2014;**

\$161,048

- **the number of contracts accounting for those expenditures;**

1

- **top five contracts by dollar amount, including contractor and purpose;**

\$161,048: Westin Galleria - The Local Bar Leaders Conference - housing and meals for all 300 attendees, plus meeting space, audio-visual equipment, and electrical services provided by the hotel.

- **the methods used to ensure accountability for funding and performance;**

The budget for the Local Bar Services department is approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget revenues and expenditures during the year, and the standards of performance specified in the hotel contract. State Bar managers engage in continuous oversight of the contractor and negotiate with any contractors to correct any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Office of Minority Affairs**Location/Division:** Professional Development Division**Contact Name:** Caren des Vignes**Actual Expenditures, FY 2014:** \$437,305**Number of Actual FTEs as of June 1, 2015:** 2 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The objective of the Minority Affairs Department is to serve minority and women attorneys and organizations in Texas, to enhance employment and economic opportunities for minority and women attorneys, and to increase involvement by minorities and women in the State Bar. The major activities of the Minority Affairs Department include the following:

ORGANIZING AND PROVIDING PROGRAMS***Texas Minority Counsel Program (TMCP)***

The Texas Minority Counsel Program is an annual conference created in 1993 by the State Bar of Texas Diversity in the Profession Committee with the mission of increasing opportunities for diverse attorneys who provide legal services to corporate and government clients, and to expose those organizations to the talent found in the minority and woman lawyer community. Goals of the annual conference include (1) providing interviewing opportunities for diverse lawyers to meet with corporations and government agencies; (2) offering an informal environment for attendees to network; and (3) presenting a continuing legal education (CLE) program for diverse lawyers.

The TMCP conference rotates locations each year between Austin, Dallas, and Houston. The Texas Minority Counsel Program is coordinated by the State Bar of Texas Office of Minority Affairs, with close consultation with the TMCP Steering Committee, comprised of representatives from the Diversity in the Profession Committee, corporate and government agency in-house counsel, and members of minority, woman, and majority-owned law firms. There are two Steering Committee chairs who help facilitate and coordinate all matters relating to the program.

Texas Minority Attorney Program (TMAP)

The TMAP is an annual one-day CLE seminar and networking event geared towards minority and women solo and small firm practitioners. Participants have the opportunity to discuss various client development strategies, learn more about the issues facing solo/small firms, and

network with area judges and other legal professionals. TMAP rotates each year between Houston and either Austin, El Paso, McAllen, or San Antonio. TMAP is planned by the Office of Minority Affairs along with a planning committee comprised of local volunteer attorneys.

Texas Diversity Roundtable

The Texas Diversity Roundtable is a forum held every 2 to 3 years in conjunction with the Texas Minority Counsel Program. The Roundtable encourages discussions on how to best recruit, retain, and promote diverse attorneys. Participants discuss best practices, successful initiatives, and goals for organizations to achieve over time. This invitation-only forum is for: (1) general counsel of the largest companies based in Texas or with a presence in Texas, (2) managing partners of the 100 largest law firms in Texas and certified minority and woman-owned firms, and (3) deans of Texas law schools.

Diversity Forum (at the State Bar Annual Meeting)

The Diversity Forum is an annual program held at the State Bar of Texas Annual Meeting that provides valuable knowledge about diversity in the legal profession. The program consists of two panel presentations featuring speakers who discuss challenges and solutions regarding increasing diversity and inclusion. The topics and speakers for the presentations are planned and selected by the chairs of the following State Bar Sections: African-American Lawyers Section, Asian Pacific Interest Section, Hispanic Issues Section, LGBT Law Section, Native American Law Section, and Women and the Law Section.

Diversity Summit (at the Local Bar Leaders Conference)

The Diversity Summit is an annual program held at the Local Bar Leaders Conference. The Summit features two panel presentations featuring speakers who provide local bar leaders with information on developing diverse leaders and fostering diverse and inclusive environments.

Minority Attorneys at the Podium Project (MAP)

The MAP Project's purpose is to 1) identify ethnically diverse and women attorneys who are qualified and available to write articles for and present topics at the State Bar's continuing legal education courses; 2) assist course directors and course planning committees in diversifying their faculties; and 3) increase the visibility of attorneys through their participation in the speakers circuit. Potential speakers and writers are entered into a database and lists are then provided by State Bar staff to CLE course directors and planning committees when potential topics and speakers are being discussed.

MAP Train the Trainer

Train the Trainer events are delivered from time to time around the state. They are designed to encourage new speakers, especially women and minority speakers, to learn more about opportunities to speak for the State Bar of Texas. Information useful to new speakers is presented by a panel of veteran speakers followed by an opportunity to network and socialize.

LeadershipSBOT

The Office of Minority Affairs and Texas Young Lawyers Association organize this diversity initiative, now in its eighth year, designed to recruit, train, and retain Texas lawyers for leadership positions in the legal community and the State Bar. 20 participants who reflect the cultural, ethnic, geographic, and practice area diversity of the state examine what is expected of leaders and receive guidance and advice from current leaders. The committee members are selected each year by a committee made up of the president and president-elect of the State Bar, the president and president-elect of Texas Young Lawyers Association, the State Bar executive director, and two additional members selected by the executive director.

Pipeline Program

The Office of Minority Affairs works in conjunction with the Law-Related Education Department of the State Bar to encourage diverse attorneys to visit a fourth or fifth grade classroom at least four times per school year to encourage students to achieve educational success as well as introduce them to our legal system and the law.

SUPPORTING STATE BAR COMMITTEES AND SECTIONS*Diversity in the Profession Committee*

This committee examines the historical and current status of minorities in the profession and makes recommendations on how the Bar can take action to enhance opportunities for minorities in the profession, and increase involvement by minorities in the Bar.

Women in the Profession Committee

This committee assesses the status of women in the legal profession and identifies barriers that prevent women lawyers from advancing in the profession.

Minority Sections

Sections are voluntary groups within the State Bar organized by interest or specialized field of law. Each holds regular meetings and sponsors individual projects throughout the year. The Office of Minority Affairs works with the following sections:

- African-American Lawyers Section
- Asian Pacific Interest Section
- Hispanic Issues Section
- LGBT Law Section
- Native American Law Section
- Women and the Law Section

Other Committees

The Office of Minority Affairs plans several of its programs with the help of other volunteer committees such as the TMCP steering committee, TMCP city committees, and the TMAP planning committee. These committees assist with selecting topics and speakers for CLE programming among many other responsibilities.

DEVELOPING PUBLICATIONS AND OUTREACH

Texas Spectrum Newsletter

The *Texas Spectrum* is the official newsletter of the Office of Minority Affairs. Articles included in the publication deal with issues that affect minorities and women in the legal profession.

Directory of Minority and Women's Bar Associations

This directory lists local, state, and national minority and women's bar associations and their current president.

Minority and Women Bar Associations

Meetings of local bar leaders are held periodically to provide a forum to discuss increasing minority and women attorney involvement at the local and state level.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

- Number of attorneys, law firms and legal departments participating in Texas Minority Attorney Program: 191 attendees in 2014
- Number of attorneys, law firms, and legal departments participating in the 2014 Texas Minority Counsel Program: 450 individual attorneys; 41 corporations; 66 sponsoring law firms
- Number of corporations conducting informational interviews with diverse attorneys at the Texas Minority Counsel Program: 14 corporations in 2014; 22 corporations committed to date to conduct interviews in 2015.

Additionally, evaluations are gathered from seminar attendees. The 2014 Texas Minority Counsel Program, for example, received a positive rating (“good” or “excellent”) by 96 percent of the attendees who completed the evaluation. This was an increase over the 2013 program evaluations, where 88% of respondents gave a positive rating.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The methods of outreach and dissemination of information have evolved greatly over the years to keep up with technological advancements and to ensure members are provided with options that meet their needs. This includes videotaping seminars for members to view later at their convenience, providing online access to substantive CLE materials, and using social media to communicate diversity-related information.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Minority Affairs' programming is directed towards the minority and women members of the Bar, who represent approximately 35,000 members. A minority member of the State Bar is defined as any lawyer who is female, African-American, Asian-American, Hispanic, or Native American. Ethnic minorities represent approximately 19 percent of the lawyers in Texas, with 8 percent being Hispanic/Latino, 5 percent Black/African-American, 3 percent Asian/Pacific Islander, less than 1 percent American Indian/Alaska Native, less than 1 percent two or more races, and 1 percent other races/ethnicities. The breakdown by gender shows that 34 percent of the attorneys in Texas are female, while 66 percent are male.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Minority Affairs Department is administered by two staff members. Some projects are planned with the assistance of either the Diversity in the Profession Committee of the State Bar Board of Directors, or ad hoc planning committees comprised of volunteer attorneys selected by the Office of Minority Affairs.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Office of Minority Affairs is funded by the State Bar's General Fund. Revenue generated through registration fees and sponsorships are deposited in the State Bar General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Similar to the Texas Minority Counsel Program is the California Minority Counsel Program and the American Bar Association's Minority Counsel Program. While the California program does not specifically target Texas attorneys, many Texans do attend the California program. Unlike the California and ABA programs, however, the TMCP provides attendees with a number of additional networking opportunities and an opportunity to participate in a pipeline initiative with elementary school students, and provides law students a chance to meet potential mentors.

Minority Affairs also offers general practice CLE programs with educational topics similar to other CLE programs made available by other providers, but the target audience for Minority Affairs programming consists of minority and women attorneys.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Minority Affairs makes every effort to avoid duplicate efforts and conflicts with other similar programs by keeping abreast of dates, locations, and offerings by these programs and scheduling its programs at different times and places.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Minority Affairs frequently works with judges from various Texas courts by having judges serve as volunteer planning committee members and/or serve as volunteer seminar speakers.

- K. If contracted expenditures are made through this program please provide:**

- **a short summary of the general purpose of those contracts overall;**

Minority Affairs contracts expenditures for the purpose of seminar planning, promotion, and program execution. These include contracts with hotels for hosting seminars and vendors for providing arrangements in relation to conference production.

- **the amount of those expenditures in fiscal year 2014**

\$183,723

- **the number of contracts accounting for those expenditures;**

5

- **top five contracts by dollar amount, including contractor and purpose;**

\$167,673: Four Seasons Resort and Club Dallas at Las Colinas, site of the 21st Annual Texas Minority Counsel Program held on November 6-8, 2013. Approximately 430 attorneys attended.

\$8,900: TripBuilder Media, mobile application for the 21st Annual Texas Minority Counsel Program held on November 6-8, 2013.

\$5,000: David Whiteman, entertainment provided for a networking function at the 21st Annual Texas Minority Counsel Program held on November 6-8, 2013.

\$1,500: Carlton Dixon Entertainment, provided entertainment for a networking function at the 21st Annual Texas Minority Counsel Program held on November 6-8, 2013.

\$650: 4 Flashes Photo Booth, entertainment provided for a networking function at the 21st Annual Texas Minority Counsel Program held on November 6-8, 2013.

- **the methods used to ensure accountability for funding and performance; and**

Funding is pursuant to an annual budget approved by the State Bar board of directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget during the year, along with the standards of performance specified in contracts. State Bar managers are delegated responsibility for continuous oversight of contractors and, through negotiation with contractors, for correcting any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Sections Department**Location/Division:** External Affairs**Contact Name:** Tracy Nuckols**Actual Expenditures, FY 2014:** \$273,421**Number of Actual FTEs as of June 1, 2015:** 4 FTEs**Statutory Citation for Program:** Tex. Govt. Code §81.026**B. What is the objective of this program or function? Describe the major activities performed under this program.**

State Bar sections are comprised of attorneys who either: (1) practice in similar legal specialties or substantive areas of the law (such as Business Law, Family Law, and Health Law) or (2) are involved in particular interests or associational areas of the law (such as African-American Lawyers, Women and the Law, and Hispanic Issues). Each section is designed to offer closer association between attorneys engaged in specialized fields of law or having common interests, thus providing the opportunity to share professional experiences. Section membership is voluntary, and requires the payment of separate membership dues. Many sections offer free memberships, however, for attorneys licensed two years or less. There are currently 47 sections of the State Bar.

Sections comprise another major group of volunteers in the State Bar. They play major roles in: studying specific statutes and proposing related changes; offering continuing education, mentoring, and networking opportunities to their members; supporting programs for pro bono (free or reduced-fee) legal services; and helping enhance professional competence in particular areas of the law. Each section has an elected governing body which is typically comprised of a Chair, Chair-Elect, Secretary, and Treasurer and council members who serve staggered terms. Each council is responsible for implementing programs and initiatives that benefit section members and serve the overall mission of the section and the State Bar of Texas.

The objective of the State Bar Sections Department is to provide administrative technical support and policy guidance to the sections and to assist and guide the sections in providing benefits to members. This assistance is especially important to help sections provide legal and ethical education and improve the practice of law in their practice or interest areas.

The primary support functions provided by Sections Department staff include: acting as liaisons to the resources of the other State Bar departments, divisions, and committees; providing

meeting support (food, facilities, notices) for the sections' councils and committees; providing administrative support (such as with membership drives, collecting section dues, coordinating mailings); providing technology support (such as developing websites and preparing electronic newsletters); providing printing services; assisting with by-laws revisions and section reports; coordinating continuing legal education programs (including facilities, contracts, events, registration, materials); and coordinating pro bono initiatives.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The effectiveness and efficiency of this program is shown in the consistently increasing number of individuals who join and benefit from State Bar Sections. Over the past 10 years section memberships have increased by 40 percent, growing from 29,690 members in 2004 to 41,491 members in 2014. In the last 5 years (2008 to 2013) the number of section members increased by 17 percent (34,109 to 39,950). Currently 41,491 (43%) active Texas attorneys are members in one or more State Bar sections.

Pursuant to State Bar Rules, Article VIII, Section 2, each section submits an Annual Report of its activities and achievements to the State Bar President and Executive Director and is also published in the *Texas Bar Journal* for all members of the State Bar to review. ([See Exhibit 14, Section Reports](#))

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

State Bar sections have existed since at least 1940, when five sections were created soon after the State Bar was organized. The role of the State Bar Sections has remained constant throughout the years. They continue to recommend and implement a significant portion of the State Bar's work and serve an important function in enhancing and improving communications and educational opportunities between the Bar and its members.

Technological advancements over the past six years have allowed sections to provide more benefits and educational opportunities to their members at a nominal cost, and to directly and more efficiently serve a greater number of members in a geographically large state.

Examples are:

- Electronic communications to section members via eblast (software that allows mass email to entire section memberships, complete with hyperlinks to ancillary information)
- Electronic surveys
- Online CLE classrooms and webcasts
- Online libraries of educational articles
- Enhanced websites
- Legal legends and mentoring streaming videos (used by three sections; videos of prominent Texas attorneys who provide career advice, tips, and mentoring)
- Electronic newsletters
- Electronic journals, complete with hyperlinking to case citations

Additionally, in recent years, a decline in public funding for legal aid providers has led the State Bar to increase its focus on alternative funding and programs to support legal aid and pro bono efforts. A majority of sections have implemented pro bono programs to help alleviate this crisis through direct donations, grants to pro bono programs and new initiatives, scholarships for legal aid providers, and sponsorship of law student summer internships for legal aid providers.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Sections Department provides technical assistance, support, and guidance to the governing bodies of the 47 sections of the State Bar. The sections implement programs and projects that benefit 39,500 individuals who participate in one or more sections, for a total of 74,746 section memberships. Depending upon the bylaws of each section, these benefits and initiatives are enjoyed by active Texas attorneys, inactive Texas attorneys, out of state attorneys, Texas law students, and the general public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The State Bar Board policies require that each section chair and treasurer attend an orientation at the beginning of each fiscal year. During orientation the chair and treasurer receive materials and are instructed regarding important topics including: all relevant laws, rules, and policies; the roles of section advisors and section representatives to the Board of Directors, best practices for meeting management and issue resolution; and the assistance and support available from State Bar Sections staff.

At the beginning of each fiscal year, two members of the Board of Directors are appointed as 'Advisor' and 'Alternate Advisor' to each section and are required to attend each section council meeting to serve as a direct conduit between the State Bar and its sections.

The sections also elect six representatives to serve as Section Representatives to the Board of Directors. The Section Representatives advise sections on best operating practices and also report any matters of importance or concern directly to the Board of Directors, as ex officio Board members.

The Council of Chairs committee, which consists of all section chairs, meets twice a year with the State Bar president, chair of the Board of Directors, Section Representatives Committee and Sections Department, and various State Bar staff. These meetings are another opportunity for sharing information, concerns, and ideas.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Sections Department is funded by the State Bar's General Fund. The individual voluntary sections are self-funded and self-supporting.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other entities within the State Bar that provide identical or similar services/functions as the State Bar sections. TexasBarCLE and TexasBarBooks also provide continuing education and publications but generally work with the sections to produce their products.

Externally, local and specialty bars also have sections, and these groups often work with State Bar sections and sometimes are the genesis for a State Bar section.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

With the assistance of State Bar staff, the State Bar Board of Directors regularly reviews its processes, committees, and sections to ensure that its efforts and entities are not duplicative.

The State Bar Board Policy Manual requires a detailed process for the formation of a new section. New section petitions are reviewed by all State Bar committees, section chairs, Section Representatives to the Board and the full Board of Directors-- primarily to ensure that the jurisdiction of a section does not overlap with another State Bar entity.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

L. Provide information on any grants awarded by the program.

The State Bar Sections Department does not award grants, however, the following sections annually award grants to legal aid providers or projects that directly support innovative pro bono projects that serve under-served and under-represented Texans:

- Corporate Counsel Section – grants totaling approximately \$35,000
- Immigration Law Section – grants totaling approximately \$20,000
- Labor and Employment Law Section – grants totaling approximately \$20,000
- Litigation Section – grants totaling approximately \$36,000
- Real Estate, Probate and Trust Law Section – grants totaling approximately \$54,000

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.

Not applicable.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

Not applicable.

A. Name of Program or Function: TexasBarBooks**Location/Division:** Professional Development**Contact Name:** Sharon Sandle**Actual Expenditures, FY 2014:** \$3,451,113**Number of Actual FTEs as of June 1, 2015:** 17.25 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

TexasBarBooks publishes books in print, digital, and web-based formats that are sold to members of the State Bar of Texas. TexasBarBooks publications are designed as practical aids for the practice of law. Lawyers from across the state and from a variety of practice areas collaborate, as described Question F, to produce materials to serve the Bar and its members. These publications represent balanced views from a diverse group and provide authoritative resources to Texas lawyers and judges at a reasonable cost.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The most appropriate performance measures for the department are the sales and circulation of publications, the addition of new titles to the publication list, the development of new publication formats to utilize technological developments, and the ability of the department to fulfill these goals while remaining self-supporting.

TexasBarBooks recorded approximately 13,000 individual sales in FY 14; however, this figure includes multiple sales to single customers as well as single sales that served many attorneys in the same firm or entity. Therefore, this figure is only an indicator of the number of attorneys served. TexasBarBooks also provides many materials to groups on a complimentary basis. Copies of all TexasBarBooks publications are distributed to 11 law libraries, including law schools, across the state. All Texas judges have complimentary access to the civil and criminal *Texas Pattern Jury Charges* through an agreement with the Texas Center for the Judiciary to post this material on the Center's website. Legal aid groups are provided with complimentary entity-wide digital copies of TexasBarBooks publications upon request, and law professors and law students are provided with complimentary digital copies of publications upon request for use in law school classes.

TexasBarBooks has maintained its core publications of practice manuals and jury charges for several decades, and the department regularly adds three to five new publications each year. The current publications list includes 37 books and 2 DVDs. The development of new titles and the department operations are funded entirely through the sales of publications that are deposited into the State Bar's Book Fund.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Book Fund, an enterprise fund, is the financial entity through which the TexasBarBooks department operates. The fund was established in 1960 when the State Bar Board of Directors adopted a resolution providing for the use and retention of \$20,000 received from the M.D. Anderson Foundation and the Houston Endowment. The purpose of the Book Fund was to ensure that cash resources are available to fund the development and publication of legal resources by the Bar. The resolution provided that the funds in the Book Fund be used for the purpose of publications and continuing legal education.

The first Bar publication that appears to have had substantial input from the State Bar staff was *Texas Pattern Jury Charges, volume 1*, which was published in 1969. Publication of a number of other titles, including additional volumes of the *Texas Pattern Jury Charges* series and several practice manuals covering major areas of law practice such as family law, real estate, and collections, followed. The department currently strives to provide an increasingly broad range of publications of practical interest to the Texas legal community, and the department has expanded its publishing format to include digital and web-based formats as well as incorporating new types of media such as video.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The publications and materials produced by the department serve all Texas lawyers, law students, and professors, and members of the judiciary.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TexasBarBooks publications are written by lawyers, judges, and law professors who devote countless hours of their time to these projects on a mostly volunteer basis. Many publications are written by committees of volunteers; some are written by one or more authors working

individually. Authors are reimbursed for out-of-pocket expenses. Bar sections that sponsor projects are paid a royalty of 10 to 15 percent of gross sales. Some authors, upon approval by the PDP subcommittee of the Bar's Board of Directors, are paid a royalty.

Staff lawyers work directly with these authors or committees to verify the legal accuracy of the work product, write original material (particularly supplementation), and edit the material to make it easy to understand and use. Editorial and production staff members are responsible for copy editing, design, keyboarding, formatting, proofreading, developing digital products, and other steps necessary for the production of print and digital publications. Sales and marketing staff prepare marketing plans and promotional material and maintain the TexasBarBooks and Law Practice Management websites. TexasBarBooks's staff provides customer service and deals with administrative issues such as meeting planning. Sales are processed through the TexasBarCLE website or through the Sales Desk. Fulfillment and distribution is handled through an outside vendor.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The TexasBarBooks department does not receive funding directly from the State Bar's General Fund; the operations are supported through revenue from the department's publications and the accumulated funds in the Book Fund. The Book Fund maintains a three-month reserve to ensure coverage of current operations.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Although several commercial legal publishers provide legal materials that compete with those published by TexasBarBooks, many of the TexasBarBooks publications are considered authoritative in their fields. For example, the State Bar's Family Law section reports that the forms in the *Texas Family Law Practice Manual* have become the standard for practice in the state and are required by the courts in some areas. Similarly, the civil pattern jury charges are widely accepted as the standard in Texas courts and have been cited with approval by appellate courts. Unlike commercial legal publishers, TexasBarBooks strives to balance a self-supporting business model with a goal of making useful legal resources widely available to the bench and bar. As an illustration of this model, the *Texas Pattern Jury Charges* are supported through sales to lawyers and law firms across the state, and the revenue from these sales has been used to regularly expand the series. The charges are made available to Texas judges free of charge as a service to both the courts and to the lawyers who benefit from practicing before an informed judiciary. The model followed by the TexasBarBooks department also allows for the development of materials to serve the diverse interests of the Bar.

The Supreme Court has developed certain legal forms for use in family law cases that are available free of charge to the public. These forms differ markedly from the materials published by TexasBarBooks in term of the audience and intent. The forms developed by the Supreme Court are intended for use in very limited circumstances by pro se litigants. In contrast, the forms developed by TexasBarBooks are more detailed, cover a far more extensive range of circumstances, and are intended to assist lawyers in effectively representing their clients.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Recommendations from the CLE committee of the Bar assist the department in identifying and pursuing projects that will serve the needs of the Texas lawyers and judges. In addition, the recommendations of volunteer drafting committees help ensure that TexasBarBooks materials reflect the diverse views of Texas lawyers and are reviewed for fairness.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Not applicable.

- K. If contracted expenditures are made through this program please provide:**

- **a short summary of the general purpose of those contracts overall;**

TexasBarBooks contracts for services that help fulfill its mission to provide Texas attorneys with useful legal publications. These include contracts for online legal research services, website development & maintenance, contracts with hotels/restaurants/caterers for hosting meetings, and royalties or licensing fees to authors.

- **the amount of those expenditures in fiscal year 2014;**

\$36,723

- **the number of contracts accounting for those expenditures;**

6

- **top five contracts by dollar amount, including contractor and purpose;**

\$20,500: Casemaker - A comprehensive legal research system of all state and federal law. This database is offered as a free member benefit available to all Texas licensed attorneys, and TexasBarBooks digital materials contain hyperlinks to specific cases and statutes on the Casemaker database.

\$6,849: Valencia Hotel, San Antonio, Texas - rooms for committee and staff in connection with drafting meeting of the PJC Business, Consumer and Employment committee.

\$3,733: Tom Preston, Consultant - Three-person firm responsible for developing, implementing, and maintaining the TexasBarBooks website and departmental software and databases.

\$3,500: Cozette Langenkamp, Consultant - Conducted focus groups at the 2013 Advanced Family Law Practice CLE course in San Antonio, Texas for the purpose of market research concerning the *Texas Family Law Practice Manual*.

\$330: Talmage Boston, author contract for "Raising the Bar".

- **the methods used to ensure accountability for funding and performance; and**

Funding is pursuant to an annual budget approved by the State Bar board of directors and the Supreme Court of Texas. Performance is ensured by observance of whether the standards of performance specified in contracts are met.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**

- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: TexasBarCLE**Location/Division:** Professional Development Division**Contact Name:** Pat Nester**Actual Expenditures, FY 2014:** \$9,513,573**Number of Actual FTEs as of June 1, 2015:** 40 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

Attorneys licensed in Texas are required by law to complete a minimum number of hours of accredited continuing legal education (CLE) each year. TexasBarCLE is one provider of continuing legal education, including seminars, publications, and online services that help lawyers comply with the minimum requirements, keep abreast of changes in the law, and obtain skills relevant to law practice. Note that another program within the State Bar, MCLE, described in Part VII of this report, monitors compliance with the minimum CLE requirement.

The main projects of TexasBarCLE are as follows:

(Note: numbers of courses are for FY2014 but are representative of a typical year.)

1. **Advanced courses.** 35 two to four-day courses presented by live speakers (volunteer lawyers, judges, and other professionals) and designed for the most experienced practitioners. Typically, advanced courses are staged in major Texas cities. Often lawyers use them in their preparations for certification examinations administered by the Texas Board of Legal Specialization, which designates specialized knowledge and experience in a particular area of the law.
2. **Intermediate courses.** 41 programs presented live on topics across the spectrum of law practice to update lawyers on changes in the law and to help them sharpen old skills and learn new ones.
3. **Basic courses.** 17 live programs designed to acquaint new practitioners with the basic knowledge and skills required in an area of practice or for a particular legal process—for example, presenting an appeal.

4. **Video-replay programs.** 65 scheduled events that replay in recorded form the courses described above, presented at facilities convenient to local lawyers at reduced costs.
5. **“DVD-CLE.”** 1,345 video replays of programs described above that are made available in recorded form (on DVDs) to local bar associations, government agencies, law firms, corporate law departments and others who present them at times and places convenient to the lawyers involved, also at reduced cost.
6. **Reference-quality course materials.** For all the seminars described above, the volunteer presenters also prepare and submit extensive articles on their topics, which TexasBarCLE then compiles into course books. Each seminar attendee is provided a course book either in hard copy or digital form, at their option. After the seminar, left-over books are available for sale to lawyers who could not attend.
7. **The “Online Classroom.”** Made up of more than 2,000 hours of video presentations that TexasBarCLE records from all the seminars over the course of a year. It is available to lawyers 24/7 on www.TexasBarCLE.com and includes digital versions of all written materials and any slides that were included in the presentations. All presentations from courses that lawyers attend are made available to them at no extra charge for approximately one year following the main event. Lawyers who did not attend may buy the online presentations, which range in length from an hour to several days, depending on the package selected—also for a year’s study.
8. **Downloadable CLE.** A subsidiary of the Online Classroom that allows lawyers to download the audio version of a CLE program to a computer or portable device such as a tablet, smartphone, or iPod. While regular Online Classroom programs are streamed, and therefore require access to the Internet, downloadable MP3 files can be played anywhere. All include downloadable course materials.
9. **Webcasts.** Digitized video programs, about 75 new titles each year, that are broadcast on the Internet (through www.TexasBarCLE.com) at scheduled times. Most webcasts are one-hour updates on hot topics, perhaps deriving from an important court decision or a legislative session. Others are one-day or longer courses that many lawyers find convenient to view at their desks. All include digitized written materials. Recordings of webcasts are archived and made available through the Online Classroom.

- 10. Free CLE.** While the offerings described above are offered to lawyers for a fee, several forms of CLE are made available at no cost. A half hour segment of free CLE is made available on www.TexasBarCLE.com and is rotated six times per year, resulting in three free hours of accredited CLE. Programs from the Online Classroom are made available on www.AftertheBarExam.com, which gives law students waiting for their bar exam results unlimited access to more than 2,000 hours of accredited programming. Accessing this service enables them to accumulate more than enough education credits to satisfy their first two years of mandatory CLE requirements. Other free CLE is provided pursuant to special initiatives—for example, to lawyers who agree to represent veterans or low-income parties in family law proceedings. Another initiative encourages local lawyers to meet and talk directly with State Bar leaders by presenting short CLE programs at no cost in smaller cities throughout the state when State Bar board meetings are held in those cities.
- 11. Scholarships and discounted CLE.** A variety of discounts are offered to various groups. Members of State Bar sections that co-sponsor seminars with TexasBarCLE, for example, get a discount which is usually equivalent to their annual section dues. New lawyers are offered substantial discounts, sometimes as much as 50 percent, to encourage them to attend State Bar programs. And to eliminate barriers regarding affordability, any Texas lawyer who can't afford the normal registration fee may, on a confidential basis, ask for a scholarship that sets the program price at any amount the lawyer can afford, including at no charge. No scholarship request has ever been denied.
- 12. The Online Library.** An online reference tool made up of more than 20,000 articles prepared for TexasBarCLE programs, with more being added all the time. Boolean and natural language searches of key words can be narrowed to topics, particular courses, speakers, authors, dates, or multiple search criteria at once. Annual subscriptions to the Online Library are available for \$295, as well as individual article sales (\$19) upon request.
- 13. Texas Supreme Court oral arguments.** 50-60 live and archived versions of all arguments each year are available on www.TexasBarCLE.com to all lawyers at no charge, including digitized briefs from both sides.
- 14. Legal research tools.** The Casemaker and Fastcase services are made available to Texas lawyers at no charge, through both www.TexasBarCLE.com and www.TexasBar.com. These enable lawyers to use keyword searches and other search criteria to instantly find

and, if desired, save or print out the full text of all federal and all 50 states' cases, statutes, administrative rulings, and other sources of law relevant to an issue. Updated on a daily basis, both services provide tools to make sure that the lawyer is finding "good law" that has not been overturned or modified. For those wanting a quick overview, Casemaker also provides short summaries of current cases.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

TexasBarCLE Statistics for FY14 (June 1, 2013 to May 31, 2014)			
Total Number of Accredited TexasBarCLE Courses	Total Number of Hours Offered through TexasBarCLE	Total Number of Receiver Hours Reported for TexasBarCLE Programs	Total Number of TexasBarCLE Attendees
1,071 Course Options	4,435 Hours Offered	391,441 Hours Taken	103,164 Registrants

Although CLE in some form is offered to Texas lawyers by more than 1,700 providers or sponsors, more than a quarter of the approximately 1.4 million of hours of accredited CLE delivered in Texas each year is presented through TexasBarCLE. (The second largest provider, the University of Texas CLE program, delivers approximately 5% of the total CLE programs).

Lawyers have many choices in deciding how to obtain their continuing legal education, but they frequently choose offerings of TexasBarCLE, many coming back repeatedly over their entire careers. This longstanding pattern of behavior is strong evidence of the effectiveness of the program in the estimation of Texas lawyers.

See section H, below, for a description of the similarities and differences between CLE programs offered by TexasBarCLE and other providers.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 1963, in response to a nationwide movement to significantly improve the knowledge, skills, and reputations of lawyers, the State Bar established the first professionally managed CLE

organization in Texas under the title “Professional Development Program (PDP).” At first, the focus of PDP was primarily on publishing books, and a separate fund was established to assure adequate funding for multi-year book projects. (See Part VII, TexasBarBooks, for additional information.)

A few seminars were also produced in the 1960s, and a somewhat irregular pattern of offerings persisted until the mid-1970s when the Texas Supreme Court ordered the creation of the Texas Board of Legal Specialization to certify attorneys as specialists in a particular area of law. At that point a number of multi-day advanced courses were created to help lawyers who wanted to prepare for the difficult exams required to become board certified in family, criminal, or civil trial practice. Interestingly, the courses drew many other attorneys as well, some who would eventually take the exam but many who just wanted the high-quality educational experience that the advanced courses offered. To assist lawyers at the other end of the spectrum, a six-day practice skills course was developed covering the main areas of general practice.

With the additional revenue that became available from the advanced courses, a robust schedule of one-day programs was initiated, many of which were presented in smaller Texas cities. Still, vast areas of Texas were underserved. Many lawyers had to travel considerable distances to get the high quality CLE that they needed. As the law became more complex over these years, lawyers became more specialized. Only a subset of lawyers would be interested in any topic. Matching up the particular program in smaller cities with a particular lawyer’s needs became more of a dilemma. The situation remained somewhat stymied until technology, first in the form of satellite transmission in the 1990’s, and today through the Internet, made it possible to deliver quality programming to many more—and eventually all—parts of the state and to lawyers in all areas of practice.

As PDP continued to improve its financial footing because of good attendance at its programs, more titles of seminars were added and more staff to administer them. Then, beginning in the late 1990’s, it became possible to digitize presentations and materials, and the Internet became a major conduit for CLE, at which point PDP changed its name to TexasBarCLE in recognition of its Internet identity.

In the present environment, the sources of applicable law that affect common legal processes are so far flung—from obscure administrative rulings to international treaties—that the need for effective educational offerings has never been stronger. Also, somewhat paradoxically, the sheer volume and diversity of information available on the Internet drives a strong need for authoritative information and opinions, intelligently curated. When there is just too much to wade through, the question for Texas lawyers has to funnel down to “what’s most important for me, in my practice, on this issue?” Through superior organization, technology, and a full menu of offerings, TexasBarCLE seeks to speak with authority, making the knowledge, skills, and values of some of Texas’ best attorneys available to their colleagues in a variety of educational formats that address the diverse learning styles of more than 96,000 lawyers.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

TexasBarCLE considers its main audience to be the more than 96,000 members of the State Bar. However, legal assistants and administrators and other professionals such as accountants or oil and gas landmen sometimes attend its programs. Many judges attend as well and participate as speakers. Pursuant to longstanding State Bar board policy, judges' registrations are free in order to make it as easy as possible for them to attend, the principle being that educated judges are essential to maintaining and improving the administration of justice.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TexasBarCLE staff is divided into functional teams: program planning, facilities and logistics, group sales, web support, graphic design, video production, article preparation, business oversight, and executive. Employees work on strict timetables, often with minimal flexibility, using well established lists of procedures, moving each project farther down the assembly line, resulting finally in an event on a date certain. Hurricanes, ice storms, and floods inject occasional havoc into precise timetables, but the staff is well experienced in all the urgent messages, work-arounds, and accommodations that must be implemented when dealing with volunteer presenters and paying customers under various kinds of duress. TexasBarCLE managers put huge emphasis on superior customer service and endow each employee with the authority to apply a wide range of options in deciding how to help an enquiring or complaining lawyer. (See Exhibit 15, [Organizational Chart TexasBarCLE staff](#); See Exhibit 16, [Schedule of Activities for planning and delivering a live CLE course](#))

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

TexasBarCLE is funded by the State Bar's General Fund. Registration fees and sponsorship fees from TexasBarCLE programs are deposited in the General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

More than 1,700 providers, including some individual State Bar sections, present accredited CLE to some portion of the Texas lawyer population.

The accredited CLE programs offered by a number of providers often serve various special interests, or are geographically limited to membership groups such as local city or county bar associations. By contrast, the mission of TexasBarCLE is to make available high-quality programming and materials to *all* Texas lawyers in *all* parts of the state. A substantial percentage of accredited providers, mostly online providers, offer training that is quite inexpensive. However, most of them do not focus on Texas law and practice at all.

Programs produced by TexasBarCLE have an obligation to be balanced in their approach, giving full and fair treatment to plaintiff, defense, and third-party positions, an obligation many other providers do not share. Because of their balanced approach and because of the TexasBarCLE's requirement that speakers prepare extensive written materials, TexasBarCLE presentations are viewed as good sources of analysis for appellate judges and for legislative reform, as well as for lawyers who want to make sure they understand the perspective of the other side. While TexasBarCLE directs its programming primarily to lawyers, many other professionals including judges at all levels, law professors, law students, legal assistants, and legal administrators also attend programs and take advantage of TexasBarCLE online resources.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

We have no understandings, written or otherwise, with other CLE organizations. When TexasBarCLE learns about a CLE program to be delivered by another provider in a particular location on a topic that is the same or similar to a TexasBarCLE program, we try whenever possible to schedule the TexasBarCLE program on that topic at a different time and place, to avoid as much destructive competition as possible and to be of service to as many lawyers as possible. As a result, opportunities are spread out over time in different locations, giving more lawyers the opportunity to attend an educational event in their area of interest.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

• **a short summary of the general purpose of those contracts overall:**

TexasBarCLE contracts out for services and facilities that help fulfill its mission of providing continuing legal education seminars, online services, and publications to Texas attorneys. These include contracts with hotels/conference centers for hosting in-person seminars and service agreements for online legal research services, website development & maintenance, software

development for online products and internal processes, internet bandwidth/streaming/hosting, and webcasting Texas Supreme Court oral arguments.

- **the amount of those expenditures in fiscal year 2014:**

\$3,169,181

- **the number of contracts accounting for those expenditures:**

155 (includes 150 hotel/facility contracts)

- **top five contracts by dollar amount, including contractor and purpose:**

\$402,134: Tom Preston, Consultant. Three-person firm responsible for developing, implementing, and maintaining all functions of TexasBarCLE website and all departmental software and databases related to marketing, statistical financial reporting, and seminar development.

\$162,916: Marriott RiverCenter Hotel, San Antonio, TX. Site of five-day Annual Advanced Family Law Course held on August 4-8, 2013. Approximately 1,800 lawyers attended.

\$135,000: InReach, Inc., a technology company responsible for digitizing and hosting all video and audio files of TexasBarCLE online classes. Also responsible for distributing live CLE webcast streams. (All these tasks were recently moved in-house and absorbed by existing staff, thereby eliminating the need for this contract.)

\$133,922: Casemaker, a comprehensive legal research system of all state and federal law offered as a free member benefit to all Texas licensed attorneys.

\$106,071: Westin Galleria Hotel, Houston, TX. Site of four-day Advanced Estate Planning and Probate Course held on June 24-28, 2013. Approximately 475 lawyers attended.

- **the methods used to ensure accountability for funding and performance.**

Funding is pursuant to an annual budget approved by the State Bar Board of Directors and the Supreme Court of Texas. Performance is ensured by closely monitoring the budget during the year, along with the standards of performance specified in contracts. TexasBarCLE managers are delegated responsibility for continuous oversight of contractors and, through negotiation with contractors, for correcting any lapses in performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

www.texasbarcle.com

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

IV. OPERATIONS

The Executive Management function coordinates all State Bar programs and supports the State Bar Board of Directors. The other departments included in this section provide operational support to the State Bar of Texas Board of Directors, staff, and members.

The following programs are described in this section:

- Executive Management
- Accounting
- Human Resources
- Information Technology
- Purchasing and Facilities
- Research and Analysis

A. Name of Program or Function: Executive Management**Location/Division:** Texas Law Center**Contact Name:** John Sirman**Actual Expenditures, FY 2014:** \$2,050,804**Number of Actual FTEs as of June 1, 2015:** 9 FTEs**Statutory Citation for Program:** Chapter 81, Tex. Govt. Code**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Executive Management function consists of key programs that support the executive director, the board of directors, and the lawyers and citizens of Texas. The offices of the Executive Director, Legal Counsel/Deputy Director, Assistant Deputy Directors, Legal/Attorney Services Division Director, and Governmental Relations are part of this function.

The executive director serves as the chief executive officer for the State Bar of Texas. Responsibilities include coordination with the Supreme Court of Texas; implementation of board policy; staff and fiscal management; and facilitation of long-range planning.

The deputy director/legal counsel is the number two staff executive officer. This office is responsible for the daily operations of the organization and the office of legal counsel. In coordination with the Legal/Attorney Services Division Director, Legal Counsel duties include serving as legal counsel to the State Bar Board of Directors and officers, the executive director, and the State Bar staff, providing legal advice, counsel, and opinions involving a broad range of legal subjects.

The assistant deputy directors assist the deputy director in daily internal and external operations of the organization and, in a broad view, establish and supervise a consistent information flow between the executive office and internal and external constituencies.

The Governmental Relations Department serves as the liaison to the Texas Legislature and other state and federal governmental entities.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The evidence of the effectiveness and efficiency of the executive team can be measured by the overall performance of the organization, including each of its programs and services, over time. Through continuous improvement the State Bar has been able to do more with less, while

maintaining the same, or better, level of service members and the public. Databases and web-based member portals and processes, which are constantly improved, expanded, and refined, allow the State Bar to conduct more and more business online, with fewer expenses for paper mailing and processing. Trends in efficiency are reflected in annual performance measures outcome reports, which are attached to this report. Since 2000, the number of State Bar staff has decreased by 16% and the number of active attorney members of the State Bar has increased by 47%. While the ratio of State Bar staff to lawyers in 2000 was 1 FTE for every 210 lawyers, it is 1 FTE for every 365 lawyers today.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

While some form of the executive director functions have existed since the State Bar was created in 1938, the current configuration, including the Executive Director, Deputy Director, and Assistant Deputy Directors, was added in 2014. The current structure was implemented to better coordinate the operations of the State Bar.

Some duties of the executive director are statutory and are listed in Texas Government Code §81.029.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Executive Management is in daily contact with the officers and directors of the State Bar as well as numerous other members of the State Bar and staff. It also serves the Supreme Court of Texas, members of committees and sections, the Legislature and legislative staff, and other governmental entities. The executive director's efforts directly and indirectly benefit all lawyers licensed in Texas, as well as the public.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The executive director administers all programs of the State Bar. The deputy director/legal counsel and assistant deputy directors serve as assistants for internal and external matters. The division and department management team of the State Bar works with the deputy and assistant deputy directors to facilitate matters for the executive director.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Executive Management function is funded by State Bar's General Fund.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other internal or external entities that provide executive leadership to the State Bar staff.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Not applicable.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

Contracts are for facility rentals for meetings (State Bar of Texas Board of Directors, Commission for Lawyer Discipline, and Leadership SBOT) including meeting rooms, lodging, meals and related venue expenses.

- **the amount of those expenditures in fiscal year 2014;**

Total amount: \$ 159,606

- **the number of contracts accounting for those expenditures;**

5

- **top five contracts by dollar amount, including contractor and purpose;**

\$58,608: Hilton Palacio del Rio Hotel, San Antonio - meeting room, lodging accommodations and meals for State Bar Board meeting and Commission for Lawyer Discipline meeting

\$41,889: The Pearl hotel, South Padre Island - meeting room, lodging accommodations, and meals for State Bar Board meeting and Commission for Lawyer Discipline meeting

\$31,117: Hyatt, Austin - meeting room, lodging accommodations, and meals for LeadershipSBOT program

\$19,181: Isla Grand Hotel, South Padre Island - meeting room, lodging accommodations, and meals for LeadershipSBOT program

\$8,811: The Ambassador Hotel, Amarillo - meeting rooms, lodging accommodations, and meals for State Bar Board meeting

- **the methods used to ensure accountability for funding and performance; and**

Staff members are on-site during all events to ensure terms of the contract are met. All bills are reviewed and analyzed to ensure accuracy.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

In 2013, the Texas Attorney General issued opinion GA-0995 which pointed to an unintended inconsistency between Texas Government Code §81.019(c) and State Bar Board policy regarding election of officers. §81.109 provides that officers shall be elected in accordance with rules promulgated by the Supreme Court (State Bar Rules article 11) but that the rules must permit any member's name to be placed on the ballot as a candidate for president-elect if a written petition signed by 5% of the membership is filed. Under the State Bar Rules, two candidates for president-elect are nominated by a committee of the State Bar Board of Directors, and their names are placed on the ballot along with any other member who meets the petition requirement.

According to the Attorney General's interpretation of §81.109(c), some of the State Bar Board policies apply to only nominated candidates, and not petition candidates. Updating Section 81.019(c) to clarify that the policies apply to all candidates would eliminate this perceived discrepancy and would assist the State Bar and its Board of Directors in efficiently performing their functions.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Not applicable.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

A. Name of Program or Function: Accounting Department**Location/Division:** Finance Division**Contact Name:** Cheryl Howell**Actual Expenditures, FY 2014:** \$1,021,397**Number of Actual FTEs as of June 1, 2015:** 12.75 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Accounting Department is responsible for budget, investments, financial records and reports, payroll, audit, accounts payable, accounts receivable, and the processing of Section dues payments. The major services and functions provided are the following:

General Accounting/Reporting - (1) general ledger account reconciliations; (2) closing of the books both monthly and annually; (3) preparing financial reports for all users; (4) managing cash flow and investments; (5) providing analysis of financial information; (6) maintaining organizational codes and chart of accounts; (7) developing accounting policies related to the general accounting systems; and (8) preparing work papers for external auditors

Budget - (1) analysis of budgeted expenses to actual expenses on a monthly basis; (2) working with departments to assist in the budget preparation; and (3) preparing budget presentations for the Board of Directors and the Supreme Court of Texas

Investments – Chief Financial Officer (CFO) works with the State Bar’s investment manager; (See Question H)

Billings/Collections – billing and collecting for: (1) TexasBarBooks; (2) TexasBarCLE books and materials; (3) TexasBarCLE course registrations; and (4) any other individuals or entities that owe the State Bar money; collections also include the cashier’s main function of depositing funds for all State Bar departments and related entities.

Collection of attorney occupation taxes and legal services fees for the Comptroller of Public Accounts.

Sales Desk – (1) On-site services for attorneys to purchase TexasBarBooks and TexasBarCLE books and materials; (2) over-the-phone and fax orders and inquiries; (3) processing of all sales orders; and (4) maintaining the cost and prices of all sales inventory.

Payroll – (1) recording work hours of staff; (2) calculating staff pay and benefits; (3) processing payments to third parties for employee benefits and payroll deductions; and (4) submitting all required payroll reports (state and federal) to the appropriate entities.

Accounts Payable – processing invoices and generating payments to vendors and filing the annual report for “unclaimed funds” with the Texas Comptroller of Public Accounts.

Other Funds Support – providing accounting services and/or payroll services to other State Bar-related funds: Texas Board of Legal Specialization Fund; Annual Meeting Fund; Law Focused Education Fund; Texas Law Center Fund; Information Technology Fund; Client Security Fund; Texas Bar College Fund; Hatton W. Sumners Grant Fund; Texas Bar Foundation; Texas Center for Legal Ethics; and Supreme Court Historical Society Fund.

Fixed Asset Management – depreciation calculation for audit purposes

Support for State Bar Sections – (1) reconciling Section membership dues and remitting to Sections; (2) providing monthly financial statements to 42 of the 48 Sections and quarterly financial statements to the remaining 5 Sections; and (3) coordinating the reporting of Section financial activity for audit purposes. Of the 48 State Bar Sections, the Accounting Department provides accounting/management services to 42.

Administration – managing the Accounting Department by: (1) enhancing the accounting services provided in areas of both quality and efficiency; (2) trouble-shooting, researching, dealing with outside parties (i.e. banks, State of Texas personnel, auditors); and (3) providing assistance to other State Bar departments, management, and board committees (i.e. Audit & Finance Committee and Budget Committee) in financial matters.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The fact that the State Bar continues to receive unqualified audit opinions year-after-year is the best confirmation that the Accounting Department is an efficient and effective program. In addition, all processes for which the Accounting Department is responsible (payroll, accounts payable, accounts receivable, budget, financial reporting, section reporting, and revenue processing) are closely monitored and timely completed.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The services and functions of the Accounting Department have not changed from the original intent.

- E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

Because of the various functions assigned to the State Bar's Accounting Department, this program affects employees of the State Bar, the management of the State Bar, the Board of Directors, all State Bar Committees, State Bar Sections, accounts payable vendors, related entities, and members of the State Bar.

- F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The program is administered by 11.75 employees who perform various duties. These positions included the Chief Financial Officer, Controller, Payroll Manager, Sections Accountant and Assistant; Accounts Payable Manager and Assistant; Membership Accountant; Accounts Receivable Manager and Assistant; General Accountant; and Cashier.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Accounting Department is funded through the State Bar's General Fund.

- H. Identify any programs, internal or external to your agency, which provide identical or similar services or functions to the target population. Describe the similarities and differences.**

The State Bar hires an independent public accounting firm to conduct an annual audit of the financial statements. In addition, the State Bar hires a second independent public accounting firm to conduct an annual internal audit. The accounting department staff members provide information and/or schedules to both independent public accounting firms. There is no duplication of effort between the Accounting Department staff and the independent auditors.

Additionally, the State Bar works with an external investment firm which invests funds for the State Bar's General Fund, Client Security Fund, and Texas Law Center Fund. The Chief Financial Officer provides information to the investment manager regarding the amount of funds available for investment and the required maturity dates to ensure funds are available to pay bills. However, the Chief Financial Officer does not make the final decision as to the type of vehicle in which to invest the State Bar's money. The investment manager invests the State Bar's money in accordance with the Public Funds Investment Act. There is no duplication of effort between the Chief Financial Officer and the external investment firm.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Not applicable.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The State Bar collects the attorney occupation tax and the legal services fee which are then remitted to the Texas Comptroller of Public Accounts. In addition, the Accounting Department's Payroll Officer works with ERS personnel in processing State Bar employee benefits.

The State Bar's Accounting Department does not work with any federal units of government.

- K. If contracted expenditures are made through this program please provide:**

- **a short summary of the general purpose of those contracts overall;**

Expenditures were made for investment management services and audits, as described below.

- **the amount of those expenditures in fiscal year 2014;**

\$108,511

- **the number of contracts accounting for those expenditures;**

3

- **top five contracts by dollar amount, including contractor and purpose;**

\$58,300: Padgett Stratemann & Co. LLP - the public accounting firm responsible for the State Bar's annual financial audit.

27,500: Maxwell Locke & Ritter LLP - the public accounting firm responsible for the State Bar's annual internal audit.

\$22,711: PFM Asset Management LLC for investment management services; the investment manager makes a presentation to the State Bar's Audit & Finance Committee each quarter.

- **the methods used to ensure accountability for funding and performance; and**

Performance is ensured by closely monitoring the budget, revenues, and expenditures during the year, along with the standards of performance specified in the contracts.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Human Resources**Location/Division:** Administration**Contact Name:** Amy Turner**Actual Expenditures, FY 2014:** \$400,872**Number of Actual FTEs as of June 1, 2015:** 3.5 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Department of Human Resources is responsible for employment and recruitment, including screening and hiring; compensation and benefits administration; policy/procedure development; staff training and development; temporary personnel; performance appraisal system; employee relations; compliance with federal, state, and local employment laws and regulations; employee services; and maintaining personnel records. The Human Resources Department advises and supports management in making the best decisions for the State Bar regarding staffing, employee relations, and compensation. Recruitment involves posting the positions, processing applications, interviewing applicants, conducting reference and criminal background checks, and assisting managers to make selection decisions. In addition, the department provides resources to job applicants throughout the recruiting and interviewing process. The Human Resources Department also handles employee benefits, staff training and development, and employee performance appraisals, and serves as a resource for employee relations issues throughout the organization.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

Performance measures include monitoring vacancy and turnover rates, conducting an employee opinion survey every three years, actively participating in the interview process, monitoring the positions of each department, conducting new employee orientation to inform new employees of the available benefits and following up with them, participating in employee counseling sessions and following up with managers to monitor progress, and participating in salary surveys and conducting compensation studies periodically.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The services and functions of the Human Resources Department have not changed from the original intent.

- E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

The Human Resources Department serves all departments and employees of the State Bar.

- F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The Human Resources Department is administered by three employees - the Director of Human Resources and two senior HR Representatives. The Human Resources Director is responsible for managing the human resources function for the State Bar. One senior HR representative is responsible for benefits coordination including presenting and monitoring all employee benefits, processing payroll changes, and conducting new employee orientation. The second senior HR representative is responsible for the recruitment and selection of new employees including facilitating employment interviews, consulting with and providing recommendations to hiring managers during the selection process, and maintaining the employee timekeeping system. Other services and functions are coordinated and assigned by the Human Resources Director.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Human Resources Department is funded by the State Bar's General Fund.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

The State Bar does not have other programs which serve the same functions and responsibilities as the Human Resources Department.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Not applicable.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Not applicable.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

- L. Provide information on any grants awarded by the program.**

None.

- M. What statutory changes could be made to assist this program in performing its functions? Explain.**

None.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

None.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

Not applicable.

A. Name of Program or Function: Information Technology Division**Location/Division:** Information Technology Division**Contact Name:** Bradley C. Powell**Actual Expenditures, FY 2014:** \$1,577,025 in General Fund operating expenses; \$874,414 from the Technology Fund**Number of Actual FTEs as of June 1, 2015:** 12 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The mission of the Information Technology Division is to provide and administer business systems and technology services to support the mission and the strategic goals of the State Bar of Texas. Its core objectives include:

- Providing a stable, well-functioning information processing environment for the State Bar's day-to-day business functions.
- Providing a secure information-processing environment which safeguards both public and private information.
- Providing rapid resolution of technology related problems in order to minimize the operational impact on the State Bar, its members, and its constituencies.
- Providing a flexible technology infrastructure that can accommodate the integration of new systems, technologies, and architectures.
- Providing strategic leadership to executives regarding new technologies that might impact or be employed to improve State Bar operations.

The key services and functions are:

- Business Systems - business system maintenance, development, and automation consultation for departments
- IT Infrastructure & Operations - Helpdesk, Desktop/Server Computer support, Network Support, and Technology Training

- Customer Service - call center configuration and telephony functions, law center reception services, and meeting facility coordination
- Administrative Support - technology strategic planning, security management, disaster recovery planning and management, management of technology assets, and telecom services

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

The information technology program of the State Bar has routinely delivered technology projects within established timeframe estimates and budgets. Operationally, the program routinely meets or exceeds its established annual financial targets. Further, the successful employment of technology is commonly credited as one of the reasons the State Bar has been capable of maintaining or reducing its staffing ratios, despite the annual increase of practicing Texas attorneys. Lastly, adherence to long term technology planning practices and sound contracting processes has allowed the State Bar to keep its technology infrastructure current, and provide new feature functionality that improves operations and improves access to information and services for its members and the public.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Information Technology department was first created in 1984 as the computer services department. Its function was to maintain the automated information systems of the State Bar in support of both regulatory and non-regulatory programs.

Beginning in FY 2001, a Business Technology Plan was developed and approved by the State Bar Board of Directors as a means to direct the ongoing technology initiatives of the bar. This plan included creation of a Technology Fund and oversight subcommittee to monitor ongoing initiatives, keep the plan updated, establish capitalization guidelines and funding mechanisms for technology assets, and report progress to the board. This long term focus on technology planning has been key to ensuring that the State Bar's systems remain current and are best utilized to improve operations. Each year, as a part of the budget process, the Board of Directors authorizes an annual contribution from the General Fund to the Technology Fund to support new and ongoing technology initiatives.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

As a central service provider, the IT Division directly serves and supports all the departments and employees of the State Bar. The IT Division also serves attorneys who are members of the State Bar by assisting with issues related to system access and profile content, and by supporting all of the systems through which they gain access to State Bar programs. The department has also managed projects that expanded access for the public to information about lawyers and the legal profession.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

This program is administered as a division within the State Bar. It is subdivided into two departments: Information Technology and Customer Service. Technology standards and initiatives are documented in the three-year Business Technology Plan, which is reviewed and approved by the State Bar Board of Directors. The Technology Oversight Subcommittee of the board has oversight control regarding establishment of project budgets and uses of the Technology Fund. "Regional and field" services are only provided in the sense that the program supports the technology needs of the regional offices of the Chief Disciplinary Counsel located around the state.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Information Technology Division is funded by the State Bar's General Fund (\$1,577,025) and the Technology Fund (\$627,063).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other programs provide identical or similar services.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The IT Division routinely interacts with a number of Texas counties and some of the Texas federal courts to provide data regarding licensed attorneys. This is largely for the purpose of supporting local court clerk/case management systems.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The general purposes for contracted expenditures include: Software/Hardware Licensing and Maintenance; Technology Leases; Technical/Professional Services for Specific Technology Projects; and Telecom Services.

- **the amount of those expenditures in fiscal year 2014;**

\$1,287,083

- **the number of contracts accounting for those expenditures;**

57

- **top five contracts by dollar amount, including contractor and purpose;**

\$188,770: Dell Financial Services – computer desktop/server technology leases

\$148,541: Visual Innovations – meeting room A/V Upgrade Project

\$123,188: New Dawn Tech – case management system project for the Chief Disciplinary Counsel/Supreme Court

\$105,000: Advanced Solutions – membership software annual maintenance

\$104,144: Dell – Microsoft annual volume licensing

- **the methods used to ensure accountability for funding and performance; and**

The State Bar employs the following to ensure accountability for funding and performance of such contracts: Funding, budgeting, and IT plans that are approved by State Bar Board of Directors with oversight provided by board subcommittees; competitive procurement procedures, contracting methods, and legal review that focus on tangible deliverables for payment milestones and best value delivery; and internal/external audits of budgetary and process performance.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The current Business Technology Plan approved by State Bar of Texas board of directors can provide additional information on the IT Division. ([See Exhibit 17, Business Technology Plan](#))

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Purchasing and Facilities**Location/Division:** Administration**Contact Name:** Paul Rogers, Purchasing and Facilities Director**Actual Expenditures, FY 2014:** \$1,122,126 in General Fund operating expenses; \$43,991 from the Law Center Fund**Number of Actual FTEs as of June 1, 2015:** 5.5 FTEs**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Purchasing and Facilities Department provides support for all operations and departments of the State Bar of Texas. The department oversees maintenance of the Texas Law Center facility, equipment, and grounds; meeting room set up; mail center; copy and fax center; and purchasing services. The department is responsible for the purchase of all capital goods, supplies, and building maintenance agreements. In addition, the department implements and monitors emergency preparedness procedures and testing, coordinates and oversees any necessary construction, and handles facility-related issues, lease negotiations, and construction for the Office of Chief Disciplinary Counsel regional offices.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

- Processed 100% of purchasing requests in a timely manner and used competitive bidding to obtain best value.
- Processed 100% of mailroom and copy center requests on-time using best practices for cost savings.
- Implemented preventive maintenance for efficient operation and to prolong the life of the Texas Law Center equipment.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

Prior to the present Purchasing and Facilities department structure, Purchasing was part of Accounting while Facilities was handled on an as needed basis through the Executive department. The Bar decided to improve facilities management because of increasing

maintenance needs and separate the accounting and purchasing functions to create a system of checks and balances. Therefore, the Purchasing and Facilities Department was formed in June, 1993. In 2010 the Law Center Fund was created to ensure the necessary funds are available to replace capital equipment when needed. The State Bar Board annually approves funding for the Law Center Fund.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Purchasing and Facilities serves all employees of the State Bar.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Purchasing and Facilities Department has a staff of six employees. The department is managed by the director of Purchasing and Facilities and includes a purchasing specialist, a facilities manager, two building maintenance staff, and a copy center/mail center employee. The department coordinates with external experts for highly technical services, such as HVAC, electrical, and plumbing. The department works to maintain day-to-day operations of the Texas Law Center through the State Bar staff.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Purchasing and Facilities Department is funded through the State Bar's General Fund (\$1,122,126) and the Law Center Fund (\$43,991).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The State Bar has no other programs that serve the same functions as the Purchasing and Facilities department.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Purchasing and Facilities staff interact with the City of Austin for annual fire alarm system inspection and testing and with the Texas Department of Licensing and Regulations for annual inspection of elevators and boilers.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**

The Purchasing and Facilities department utilized contracts primarily for janitorial services, engineering services, and building maintenance.

- **the amount of those expenditures in fiscal year 2014;**

\$255,841

- **the number of contracts accounting for those expenditures;**

7

- **top five contracts by dollar amount, including contractor and purpose;**

\$93,626: Spotless Inc. - for janitorial services

\$75,790: Carrier Inc. - for HVAC maintenance services

\$22,335: Energy Systems Associates (formerly Terracon) - for engineering services

\$15,312: Tejas Elevator - for elevator maintenance services

\$14,809: Corporate Floors Inc. - for floor care services

- **the methods used to ensure accountability for funding and performance; and**

Inspections, checklists, and periodic reports are used to ensure accountability for performance. Worksheets are used to ensure invoicing is in accordance with contracted and budgeted funds.

- **A short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

None.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

None.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

None.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Not applicable.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not applicable.

A. Name of Program or Function: Department of Research and Analysis**Location/Division:** Administration**Contact Name:** Cory Squires**Actual Expenditures, FY 2014:** \$91,842**Number of Actual FTEs as of June 1, 2015:** 1 FTE**Statutory Citation for Program:** N/A**B. What is the objective of this program or function? Describe the major activities performed under this program.**

The mission of the Research and Analysis Department is to provide comprehensive and highly detailed research information about the legal profession in Texas to State Bar leaders, members, staff, the public, the press, bar associations, and other government constituencies. The Department's annual activities include conducting statistical surveys and studies regarding the legal profession, including statistics on the active attorney population, and its compensation, hourly rates, diversity, demographic trends, and any other relevant information affecting the legal profession. Other department functions include conducting judicial polls, board elections, budget forecasts, and employee opinion surveys. The department also provides management of the member benefits program, which offers an extensive list of benefits to State Bar members, including legal publications, car rentals, financial and technology products, and other products to enable attorneys to better serve their clients. The member benefits program also provides access for Texas attorneys, their staff, and dependents to the Texas Bar Private Insurance Exchange, an online marketplace which allows comparison and purchase of products from insurance providers who compete for business within the exchange.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.

By making the department's statistical reports available, the department helped increase the public's knowledge about the legal profession. Information produced also helps the Bar evaluate and improve programs and services to better meet member needs.

Notable FY 2014 projects include:

- **Conducted the State Bar of Texas Pro Bono Survey** - A total of 8,206 attorneys responded to the 2013 Pro Bono Survey, which gathered information on the extent and types of pro bono (free or reduced fee) legal services provided by Texas attorneys.
- **Conducted the Texas Bar Journal Readership Survey** – The survey was sent to a stratified random sample of 12,000 Texas attorneys.
- **Conducted the Texas Attorney Survey** – The information from this survey is used to provide Texas attorneys with economic information on the practice of law in Texas. The number of responses to the survey increased by 14 percent between 2011 and 2013, growing from 9,053 responses to 10,347 responses.
- **Conducted the State Bar of Texas Employee Opinion Survey** – The survey focused on key performance indicators that are used to benchmark performance over time. Overall, from 2008 to 2014 there was a positive increase in each question by an average of 7 percent. The question with the highest agreement percent among State Bar Staff was a 98 percent agreement that providing attorneys and the public with quality service is important to them.
- **Conducted the Paralegal Compensation Survey** – The survey was available to the members of the State Bar of Texas Paralegal Division and other invited groups from August 4, 2014, through September 15, 2014. The survey was administered by the Paralegal Division. There were 1,212 completed surveys that were used for this report.
- **Produced Annual Statistical Reports** - Included 13 comprehensive and detailed reports on Texas attorney demographics, diversity, and geographic distribution.
- **Member Benefits** - Monitored member utilization of benefits, vendor royalties, and other financial contributions, and detailed benefit comparisons with other large state bars. Conducted a health insurance survey that aided in the formation of the State Bar of Texas Private Health Insurance Exchange.
- **Alternative Careers Seminar** - Designed seminar evaluation and report. Produced detailed reports demographic reports on seminar registrants.
- **Other Notable Activities** – Produced the State Bar of Texas Board of Directors and Committees Statistical Profiles and the annual membership dues forecast; conducted the Texas Minority Counsel Program survey and Jury Service Survey; provided and proofed statistical information for internal and external media publications; produced statistical profiles for State Bar Sections; provided detailed statistics for the aging lawyers task force, conducted judicial polls and board elections for local bar associations; responded to several other special requests from members, leaders, and the public.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Department of Research and Analysis was created in 1988. The Department's mission has remained unchanged. However, activities have evolved with changing technologies and trends in the field of law.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The Department provides comprehensive and highly detailed research information about the legal profession in Texas to State Bar leaders, members, and staff. This information is made available to the public, the press, bar associations, and other government constituencies.

The primary group of focus under the studies of the Department of Research and Analysis are the more than 96,000 active Texas attorneys.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Annual statistical reports are developed by using a snapshot of the State Bar of Texas membership database each year. Reports are published on the State Bar of Texas Department of Research and Analysis website annually.

Other Research and Analysis projects are administered on a case by case basis. Timelines are developed for each project by considering several variables. For examples, survey variables considered for each timeline include the sample size and survey length.

The member benefits program is monitored through the State Bar of Texas Insurance/Membership Benefits subcommittee of the State Bar Board of Directors and State Bar staff.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Department of Research and Analysis is funded by the State Bar's General Fund. Any royalties for member benefits are deposited in the General Fund.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no internal or external programs that provide identical or similar services or functions specific to Texas attorneys. The American Bar Association Market Research Department provides similar services on a national level.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Not applicable.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Not applicable.

- K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

None.

- L. Provide information on any grants awarded by the program.**

None.

- M. What statutory changes could be made to assist this program in performing its functions? Explain.**

None.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

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- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Not applicable.

- P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.**

Not applicable.

VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2011–2015, or earlier significant Attorney General opinions, that affect your agency's operations.

State Bar of Texas Exhibit 12: Statutes / Attorney General Opinions

Statutes

Citation / Title	Authority / Impact on Agency <i>(e.g., "provides authority to license and regulate nursing home administrators")</i>
Tex. Govt. Code Ch. 81	Establishes the State Bar and defines its purpose. Provides for board structure, budget process, rules, adoption, membership requirements and fees, and disciplinary procedures (among other functions).
Tex. Govt. Code Ch. 82, Subchapter C	Addresses attorney conduct that may result in referral to the attorney disciplinary system.
Tex. Govt. Code Ch. 83	Sets out permitted and prohibited acts of non-lawyers. (See also related provisions in Tex. Govt. Code, Ch. 81 defining the practice of law and creating the Unauthorized Practice of Law Committee.)
Tex. Govt. Code §22.004	Requires any additions, revisions, and amendments to the Texas Rules of Civil Procedure to be mailed to all registered members of the State Bar not later than the 60 th day prior to their effective date.
Tex. Govt. Code §22.108 (c)	Requires the <i>Texas Bar Journal</i> to publish rules of post-trial, appellate, and review procedure in criminal cases.
Tex. Govt. Code §22.109 (c)	Requires the <i>Texas Bar Journal</i> to publish rules of evidence in trials of criminal cases.

Citation / Title	Authority / Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Tex. Govt. Code §23.202 and §23.203	Requires the State Bar to publish and distribute a uniform jury handbook.
Tex. Govt. Code §33.005 (e)	Requires the <i>Texas Bar Journal</i> to periodically publish public statements, sanctions, and orders of additional education issued by the Commission on Judicial Conduct.
Tex. Govt. Code §74.024 (d)	Requires that adopted rules of court administration be mailed to each registered member of the State Bar no later than the 120 th day before the date on which they become effective and allowing 60 days for review and comment.
Tex. Govt. Code §78.003	Requires the State Bar President to appoint the 5 members of the Capital Writs Committee, with ratification by the State Bar executive committee.
Tex. Govt. Code §82.022 (c)	Allows the Supreme Court to adopt rules relating to the nonrenewal of the license of a lawyer who is in default on a guaranteed student loan.
Tex. Govt. Code §82.023 (f) and 82.030 (d)	Requires the Board of Law Examiners to require any Bar applicant determined to suffer from chemical dependency to meet with the Lawyers' Assistance Program of the State Bar.
Tex. Govt. Code §411.1005	Grants the General Counsel of the State Bar access to criminal history information of licensed attorneys who are subject to investigation.
Tex. Estates Code §1054.201	Requires court-appointed attorneys in any guardianship proceeding to be certified by the State Bar as having successfully completed a course of study in guardianship law and procedure sponsored by the State Bar or its designee.

Citation / Title	Authority / Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Tex. Fam. Code §107.004	Requires attorneys ad litem to complete training through the State Bar focusing on the duties of attorneys ad litem and the procedures and best practices for representing a child under Texas Fam. Code, Title 5, Subtitle E.
Tex. Fam. Code Ch. 232	Authorizes the State Bar of Texas to suspend attorney licenses for failure to pay child support or comply with a subpoena issued in a parentage determination or child support proceeding.
Tex. Health & Safety Code Ch. 467	Allows professional associations or licensing or disciplinary authorities to establish peer assistance programs to identify and assist impaired professionals in accordance with standards set by the Texas Commission on Alcohol and Drug Abuse. This chapter serves as the statutory authority for the State Bar's Lawyers' Assistance Program.
Tex. Occ. Code Ch. 951	Authorizes the State Bar Board of Directors to adopt prepaid legal services pilot programs for certain organizations.
Tex. Occ. Code Ch. 952	Requires the State Bar to adopt rules subject to the approval of the Supreme Court to administer the Texas Lawyer Referral Service Quality Assurance Act.
Texas Tax Code Ch. 191, Subchapter H	<p>Authorizes the State Bar to adopt policies and rules for the administration and collection of the attorney occupation tax.</p> <p>Note: HB 7 (84R) by Darby, repealed Subchapter H, Ch. 191, Tax Code. HB 7 has an effective date of September 1, 2015.</p>

Table 14 Exhibit 12 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
Attorney General Opinion, GA-0995	State Bar President-Elect candidates nominated by petition under Tex. Govt. Code, §81.019 (c) are subject to all valid State Bar election rules and policies. State Bar Board policies, however, disqualifying any sitting member of the Board to be nominated as a President-Elect candidate conflicts with the State Bar Act and the State Bar Rules and are unenforceable.

Table 15 Exhibit 12 Attorney General Opinions

- B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency.**

**State Bar of Texas
Exhibit 13: 84th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB 7	Darby	Repeals the attorney occupation tax. (Subchapter H, Chapter 191, Tax Code)
HB 39	Smithee	Increases the credit for certification hours required from 3 to 4, with one hour on alternatives to guardianship and support and services available to proposed wards.
SB 534	Watson	Amends the Government Code to add to the contents of the oath required of each person admitted to practice law in Texas, before the person receives a license to practice law in Texas, that the person will conduct oneself with integrity and civility in dealing and communicating with the court and all parties.

Table 16 Exhibit 13 Legislation Enacted 84th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 1129	Sheets	<p>Would have amended Chapter 191, Tax Code to exempt from the attorney occupation tax an attorney who provides only pro bono legal services for which the attorney does not receive compensation.</p> <p>Did not receive a hearing in the Senate Finance Committee. (Chapter 191, Texas Tax Code, was repealed with the passage of HB 7.)</p>
HB 1195	Bohac	<p>Proposed to amend the Family Code to prohibit an attorney from agreeing to represent a client in a suit for dissolution of marriage unless the attorney provides the client with a disclosure form that includes information about arbitration, mediation, collaborative law, alternatives to retaining an attorney for the dissolution of a marriage, and any other information the state bar requires and unless the client acknowledges in writing that the client has received and understands the disclosure. Would have required the State Bar of Texas to adopt the required disclosure form.</p> <p>Was not referred to a committee in the Senate.</p>
HB 2484	Schaefer	<p>Proposed to amend the Occupations Code to require state agencies that issue licenses to waive all education, training, experience, and examination requirements for obtaining a license for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license issued by another state for an occupation that is substantially equivalent to the occupation for which the agency issues the license; and the license granted to the applicant by the other state has not been restricted, suspended, revoked or surrendered for any reason.</p> <p>The bill was never heard in the House Licensing & Administrative Procedures Committee.</p>
HB 2624	Turner, Chris	<p>The bill would have authorized the Supreme Court of Texas to adopt rules relating to the nonrenewal of the license of a lawyer who is in default on a loan administered by the coordinating board. The SBOT would be required to provide written notice of these policies to lawyers and to provide an opportunity for a hearing to a licensee before taking action concerning the nonrenewal of a license.</p> <p>The bill did not pass the House.</p>

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HJR 62	Canales	Proposed a constitutional amendment requiring the recording of certain proceedings of the Texas Supreme Court and the Court of Criminal Appeals and the publication of the recordings.
HB 3932	Canales	<p>Required the Supreme Court and the Court of Criminal Appeals to make a video recording or other electronic visual and audio recording of each oral and public meeting of the court and post the recording on the court's website.</p> <p>The State Bar of Texas currently maintains the webcasting equipment for the Supreme Court to record and publish oral arguments.</p> <p>Originally filed as a House Joint Resolution amending the Constitution, a hearing was held in the House Judiciary & Civil Jurisprudence Committee, but the HJR was never voted on. A House bill was then filed, amending the Government Code, but never received a hearing in the House Judiciary & Civil Jurisprudence Committee.</p>

Table 17 Exhibit 13 Legislation Not Passed 84th Leg

IX. Major Issues

Issue #1: Trust Account Overdraft Notification

A. Brief Description of Issue

Rules of professional conduct require attorneys to protect client funds, and the Office of Chief Disciplinary Counsel (CDC) is charged with enforcing those rules. Attorneys are required to hold funds belonging to a client in a “trust” or “escrow” account, separate from the attorney’s business or personal property, and attorneys may disburse those funds only to the person entitled to receive them. Funds received by attorneys as prepayment of attorney fees must be kept in the trust account and withdrawn by the attorney only after services have been rendered. As another example, client-owned funds are often received by an attorney from a third party in settlement of a legal claim which the attorney has made on behalf of the client. Unfortunately, some attorneys do not follow these requirements when handling client funds.

The dishonor of drafts for insufficient funds drawn from client trust accounts is an “early warning” that a lawyer is improperly using clients’ funds for other purposes or otherwise engaged in conduct likely to injure clients. Trust account overdraft notification would require financial institutions to notify the CDC of overdrafts involving an attorney’s client trust account.

B. Discussion

In the last several years, the CDC has experienced an increase in disciplinary cases involving the mishandling and/or misapplication of client funds. Correspondingly, a significant number of applications to the Client Security Fund involve situations in which the attorney’s trust account has been depleted without cause or sufficient explanation for the loss. This issue directly affects clients whose funds are to be safeguarded and may also affect third parties for whom the attorney has agreed to hold funds in trust in connection with a representation or other transaction.

Generally, upon being notified by the financial institution of the attorney’s overdraft of the trust account, CDC would contact the lawyer to determine whether there is an adequate explanation and/or whether the situation can be rectified without formal action and, if not, the disciplinary process would be invoked. While 44 states have implemented some form of attorney trust account overdraft notification requirement, there has been no previous legislative effort to address this problem in Texas.

C. Possible Solutions and Impact

With a notification process in place, the CDC could intervene before major losses occurred and clients were significantly harmed, and could counsel errant lawyers to take corrective action before the lawyer’s misconduct became egregious. Clients would receive a direct benefit from a

mechanism designed to further ensure protection of their funds. Lawyers would also benefit from education and counseling on appropriate procedures in the handling of trust accounts. Payouts from the Client Security Fund would presumably decrease. Financial institutions that are not approved (those who will not agree to the notification requirement) would no longer be allowed to maintain attorney trust accounts, but many of the major financial institutions already engage in this practice because of current requirements in 44 states. This would increase CDC's ability to identify potential lawyer misconduct involving trust accounts, deter lawyers from violating disciplinary rules regarding client trust accounts, and increase the protection of client funds.

There are minimal potential drawbacks to this proposed solution. Financial institutions that do not currently provide trust account overdraft notification would need to implement the practice if they desired to accept attorney trust accounts in their institutions. The institutions' costs of providing notification could be assessed against any lawyer who caused an overdraft.

Issue #2: Payee Notification

A. Brief Description of Issue

In payment of liability claims, the customary practice of insurance carriers is to deliver the settlement proceeds to the attorney of record for the claimant, usually by check or draft made payable jointly to the claimant and the claimant's attorney. In the payment process, the insurance carrier does not typically notify the claimant when it makes payment to the claimant's attorney or other representative. This process has permitted dishonest practices by some attorneys to interfere with the settlement and payment of insurance claims. This can occur in the following ways: the attorney's unauthorized settlement of the client's claim with the defendant's insurer; forgery of the claimant's signature on a stipulation of settlement or other legal document that may be required to complete the settlement; forgery of the claimant's endorsement on the settlement draft itself; or misappropriation of the claimant's share of the proceeds.

This problem could be avoided or alleviated by requiring insurance companies that issue settlement payments payable to both the insurance claimant and the claimant's representative to provide written notice to the claimant at the same time payment is made to the claimant's representative. The notice should state the amount and method of the payment and the name and address of the party to whom the payment is made.

B. Discussion

Both the Office of Chief Disciplinary Counsel (CDC) and the Client Security Fund encounter situations in which an unethical attorney has stolen a client's settlement money, failed to notify the client of the receipt of the funds in a timely manner, or settled a claim without the client's consent.

If a client were notified that a settlement check had been sent to the attorney, the client would be aware that he or she should be receiving the agreed-upon portion of the funds. If the client did not receive those funds, he or she could contact the Client-Attorney Assistance Program or file a grievance with CDC sooner, providing an increased likelihood of retrieving the funds and potentially preventing theft of funds from affecting additional clients. Likewise, there would be a decrease in the number of grants paid out by the Client Security Fund to applicants who have had their settlement funds stolen by unethical attorneys.

Previously, on August 31, 2010, the Texas Department of Insurance issued Commissioner's Bulletin No. B-0035-10, which encouraged all insurance companies issuing settlement payments to provide written notice to the insurance claimant at the same time payment is made to the claimant's representative. The bulletin is not binding, so any participation by insurance companies is voluntary. It should be noted that at least 12 states have codified a requirement for payee notification, and two other states have issued bulletins similar to the one issued by

the Texas Department of Insurance. States that have enacted mandatory payee notification report a decrease in the misapplication, misdirection, and improper use of settlement payments made by insurance companies.

C. Possible Solutions and Impact

Mandating insurance companies to issue notification to payees would ensure that clients are notified and consequently made aware that the attorney is receiving settlement monies in connection with their case. It would also serve as a deterrent to dishonest conduct by attorneys. CDC would be able to more quickly act when an attorney has stolen settlement funds and also prevent future occurrences, and the Client Security Fund would need to pay out fewer grants to applicants whose money had been stolen.

The primary potential drawback relates to attorney concerns about an insurance company directly contacting their client to exert improper influence. This concern could be addressed by clear parameters regarding timing (after settlement negotiation is complete), limiting information to be communicated (amount and method of payment; name and address of the party to whom the payment is made) and instituting dollar thresholds to trigger the notification requirement (i.e. \$5,000). We believe insurance companies would be minimally impacted by the requirement to take the extra step of notifying clients at the time of sending checks to attorneys.

Issue #3: Subpoena Power in the Investigation Stage of the Grievance Process**A. Brief Description of Issue**

One of the major functions of the Office of Chief Disciplinary Counsel (CDC) is the investigation of upgraded complaints to determine whether there is just cause to proceed (i.e., whether enough information/evidence exists to believe professional misconduct has occurred, requiring the imposition of a sanction). However, under the current framework, CDC lacks the ability to subpoena documents (e.g., an attorney's files, identification of an attorney's trust/operating accounts, and bank records) during this stage of the grievance process.

B. Discussion

The CDC's ability to subpoena documents or records would be useful in determining the validity of the allegations of misconduct raised by a complainant as well as the defenses asserted by a respondent lawyer. For example, a number of complaints involve allegations of an attorney's mishandling of funds belonging to clients or third parties. However, CDC does not have the ability to subpoena records in order to determine whether an attorney maintains an operating and/or trust account, review bank records, or review an attorney's client file. Even if a respondent lawyer voluntarily produces trust account records, CDC is unable to verify their authenticity without this investigative tool. At present, a case must proceed to the actual litigation stage, where formal discovery is permitted, in order to obtain these relevant records.

The lack of this investigative tool earlier in the process also inhibits meaningful cooperation during the investigation stage, delays resolution of cases, and prevents the opportunity to negotiate or resolve cases short of litigation.

C. Possible Solutions and Impact

A potential drawback to allowing subpoena power during the investigation stage may be the need to extend the time period for determination of just cause to allow respondents to comply with or object to subpoenas. Currently, the rules of disciplinary procedure require that the just cause determination be made within 60 days of the respondent attorney's due date for responding to a complaint. However, providing CDC the authority to subpoena relevant documents and records during the just cause investigation would allow CDC to better evaluate the merits of many complaints and increase efficiency. Cases lacking merit could be disposed of earlier and more quickly, thereby allowing CDC to focus on cases that truly warrant litigation. This would allow CDC to more effectively protect the public and fulfill its stated purpose.

Issue #4: Requirement to Refer Dismissed Grievances to Voluntary Mediation**A. Brief Description of Issue**

The State Bar Act, Chapter 81, Texas Government Code, requires the Office of Chief Disciplinary Counsel (CDC) to dismiss grievances classified as inquiries (because they do not allege a violation of the rules of professional conduct) and refer those inquiries, along with complaints dismissed after investigation, to the State Bar's voluntary mediation program (currently the Client-Attorney Assistance Program). While the Bar's voluntary mediation program is a helpful resource in resolving problems impacting the attorney-client relationship, the referral of matters after grievances have been dismissed has not been effective or beneficial to dissatisfied clients.

B. Discussion

Currently, the CDC is required to refer inquiries dismissed at classification and complaints dismissed after investigation to the State Bar's voluntary mediation program. This process has proven to be ineffective because once a matter has been dismissed, there is rarely any substantive issue left to mediate and the respondent attorney lacks any incentive to voluntarily participate. In addition, it can lead complainants to believe, inaccurately, that their grievances continue to have merit.

By contrast, the State Bar's voluntary mediation program has seen much success in resolving minor concerns, disagreements, or misunderstandings impacting the attorney-client relationship when it occurs before the filing of a formal grievance. Utilizing the program early in the process provides more incentive to participate by both the attorney and client. In addition, this early intervention benefits both parties by facilitating communication and avoiding the escalation of disputes.

C. Possible Solutions and Impact

Eliminating provisions requiring the referral of dismissed grievances (after the fact) will result in a more effective operation of the State Bar's voluntary mediation program. Specifically, more resources can be devoted to early resolution of disputes between clients and attorneys, such as concerns about an attorney's inattentiveness to a case; not providing or returning copies of files or documents; not returning telephone calls; or fee problems and other similar issues without the need to file a formal grievance. In addition, the program can continue to deliver support to consumers by administering the toll-free grievance helpline, which provides the public with information regarding the disciplinary process as well as directing callers to various resources throughout the state that can best serve their issues and concerns. The program can also continue screening and responding to all general inmate correspondence in an effort to ensure access to both the legal system and disciplinary process.

The Government Code provisions that would need revision are: §§81.072e; 81.074(2); and 81.075(c)(1).

Issue #5: State Bar Referendum Requirement**A. Brief Description of Issue**

Texas Government Code §81.024 authorizes the Supreme Court of Texas to promulgate rules governing the State Bar of Texas. Specifically, the statute authorizes the Court to prepare, propose, and adopt rules or amendments for the operation, maintenance, and conduct of the State Bar and the discipline of its members. For rules governing disciplinary rules of conduct and procedure and certain administrative matters, a referendum of all Texas lawyers is required. Proposed rules or amendments must be distributed in ballot form to each registered member of the State Bar for a vote. An up or down vote is then registered by each attorney who chooses to vote in the referendum. The Texas Government Code then states that a rule cannot be promulgated unless it is approved by the members of the State Bar.

B. Discussion

There is value in considering alternative processes that allow attorneys to have more input into rules changes than an up or down vote. There is also value in streamlining the process in order to allow rules to be changed more expeditiously while preserving the central role of Texas lawyers in setting professional standards. The practice of law and the regulation of the practice needed to protect the public are more complex than ever. Changes to the Disciplinary Rules are often needed to make sure attorneys have guidance on how to ethically serve their clients in a fluid environment. Examples of this include electronic signatures and discovery, changing attorney business models, and the nationalization and globalization of the practice of law (including mergers of national firms). This environment would benefit from the ability to quickly and efficiently change rules with the guidance of those from different practice areas and different parts of the State. This would help evaluate how rules changes will affect individuals and businesses in those areas.

The State Bar Board of Directors is uniquely qualified to take recommendations and comments from all Texas licensed attorneys and make recommendations for rules changes to the Texas Supreme Court. The Board is composed of attorneys elected from geographical districts throughout the state as well as public and minority members. These board members can help solicit the different viewpoints necessary for valuable rule changes.

The cost of holding a referendum is significant. Our research indicates that only one other state, Idaho (with approximately 5,000 lawyers), requires its general membership to approve proposed rules before they go to the Court for promulgation. Attorneys will often vote no on a particular rule for various reasons. With electronic communication now so readily available, the ability to implement a process that goes beyond a yes or no vote is available to help the State Bar Board devise rules changes that address specific concerns from a broad spectrum of constituencies. This ability for collaboration through electronic communication gives every

member of the Bar the ability to have more input than was available when referenda could only be done through a paper ballot process.

C. Possible Solutions and Impact

A more efficient and flexible process would be to allow each State Bar member to register an up or down recommendation on each rule and then be allowed a chance to comment on any rule with which they had an issue. The State Bar Board could then evaluate the votes and the comments and make final recommendations before submitting the rules to the Supreme Court. Thus each individual attorney, his or her elected representative, those appointed to represent the public, and appointed minority board members will have had a chance to review and comment on the rules before they are sent to the Supreme Court for final passage. A process as described above would closely align with the way other Court rules (such as the Civil and Criminal Rules of Procedure) are adopted. The Rules of Procedure are adopted through comments and the input of a group of stakeholders who use the comments to recommend changes to the Court. Providing for a process that allows for rules to be changed as needed would not only lead to better public protection but would also be more efficient and timely. Public protection, rules of conduct, and the administration of the State Bar of Texas might be better served by a more efficient and inclusive method of promulgating rules.

Since the referenda system was first developed, technology has made it easier for lawyers from different practice areas and parts of the state to make their opinions known. That same technology has allowed scholars and practitioners to educate others on proposals and encourage them to comment when changes are needed or concerns should be addressed. Changing the referendum requirement would potentially make it easier for incremental changes or even improvements to a single rule to go forward as needed to protect the public and better serve the profession.

Issue #6: Telephone Directory Requirement Describing the State Bar Grievance Process**A. Brief Description of Issue**

Pursuant to §81.079(a)(3), Texas Government Code, the State Bar is required to “describe the bar’s grievance process in the bar’s telephone directory listings statewide.” When the telephone directory requirement was added to the Government Code in 1991, telephone directories were used frequently by the general public. However, in the digital age, this requirement is a costly and ineffective manner of providing information to the public.

B. Discussion

The State Bar spends approximately \$23,165 per year to describe the grievance process in a bundled package that includes printing in multiple telephone directories across the state and on Yellowpages.com statewide. However, only an average of 1% of individuals who have filed grievances in the last three years indicated that they learned about the grievance process through standard telephone directories. This issue primarily affects the general public in terms of the most readily accessible information regarding the grievance process.

C. Possible Solutions and Impact

Eliminating the requirement to place information about the grievance process in standard telephone directories will result in a cost savings for the State Bar. The cost of advertising increases each year and eliminating the cost of standard telephone directory advertising will save the agency money and allow those funds to be spent on more meaningful outreach to the public such as advertising on widely-used platforms, like Facebook and Google.

Eliminating the telephone directories as a source of information would likely have very little negative impact on the general public, since they are so infrequently utilized. While the few members of the public who look to the telephone directory for information could be negatively affected, the impact should be minimal as the State Bar currently reaches a greater number of people with information about the attorney grievance process by other means, including through attorneys’ offices, state and federal courthouses, correctional facilities, local bar associations, law libraries and the internet. Information about the State Bar attorney grievance process and how to file a grievance can be readily found using Google and other search engines that direct an individual to the State Bar’s website.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

State Bar of Texas Exhibit 14: Contacts

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Amarillo Area Bar Association Jo Ann Holt Executive Director	112 W 8th Ave., Ste. 615 Amarillo, TX 79101	806-371-7226	director@amarillobar.org
Austin Bar Association DeLaine Ward Executive Director	816 Congress, Ste. 700 Austin, TX 78701	512-472-0279	delaine@austinbar.org
Bell County Bar Association Cynthia Champion/Cindi Parker Co-Executive Directors	P.O. Box 282 Belton, TX 76513	254-743-7341 254-213-7715	bellcobar@gmail.com
Collin County Bar Association Teresa Moore Executive Director	P.O. Box 3216 McKinney, TX 75070	469-831-8771	collincountybar@yahoo.com
Corpus Christi Bar Association Dick King Executive Director	555 N. Carancahua, Ste. 260, Tower II Corpus Christi, TX 78401	361-883-4022	dickking@corpusbar.com
Dallas Bar Association Jessica Smith Communications Director	2101 Ross Ave, Dallas, TX 75201	214-220-7400	jsmith@dallasbar.org
Dallas Bar Association Cathy Maher Executive Director	2101 Ross Ave. Dallas, TX 75201	214-220-7401	cmaher@dallasbar.org
Denton County Bar Association Katherine McFarland Executive Director	512 W. Hickory, Ste. 202 Denton, TX 76201	940-320-1500	executivedirector@DentonBar.com
El Paso Bar Association Nancy Gallego Executive Director	500 E. San Antonio, Rm. 1202A El Paso, TX 79901	915-532-7052	ngallego.epba@sbcglobal.net

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Fort Bend County Bar Association Melinda Knight/Susan Spann Co-Executive Director/Co-Executive Director	P.O. Box 18825 Sugar Land, TX 77496-8825	281-565-3634 281-857-7039	fortbendbar@comcast.net susan@katylawyer.com
Hidalgo County Bar Association CJ Sanchez Executive Director	314 S. Closner Blvd. Edinburg, TX 78539-4561	956-380-1691	cj@hidalgobar.org
Houston Bar Association Tara Shockley Communications Director	111 Bagby St, FLB Ste. 200 Houston, TX 77002	713-759-1133	taras@hba.org
Houston Bar Association Kay Sim Executive Director	1111 Bagby St., FLB 200 Houston, TX 77002	713-759-1133	kays@hba.org
Jefferson County Bar Association Bonnie Dean Executive Director	1001 Pearl St., Ste. 202 Beaumont, TX 77701	409-835-8647	director@jcba.org
Lubbock Area Bar Association Lisa Harden Executive Director	P.O. Box 109 Lubbock, TX 79408-0109	806-775-1668	info@lubbockareabar.org
San Antonio Bar Association Erin Boren Communications Director	100 Dolorosa, 5th Floor San Antonio, TX 78205	210-227-8822 x20	erinb@sabar.org
San Antonio Bar Association Jimmy Allison Executive Director	100 Dolorosa, Ste. 500 San Antonio, TX 78205	210-227-8822	jimmya@sabar.org
Smith County Bar Association Cristy Arscott Executive Director	P.O. Box 7248 Tyler, TX 75711-7248	903-526-2700	cristy@smithcountybar.com
Tarrant County Bar Association Patricia Graham Executive Director	1315 Calhoun St. Fort Worth, TX 76102	817-338-4092	trisha@tarrantbar.org
Texas Coalition of Lawyer Accountability			http://www.txscla.org/

Table 18 Exhibit 14 Interest Groups

Interagency, State, or National Associations*(that serve as an information clearinghouse or regularly interact with your agency)*

Group or Association Name/ Contact Person	Address	Telephone	Email Address
NATIONAL ASSOCIATIONS			
African Bar Association in America Patrick Chukelu President	9301 Southwest Frwy Ste. 250 Houston, TX 77074-1510	713-270-5533	chukelu@gmail.com
American Bar Association Ken Goldsmith	Government Affairs Office 1050 Connecticut Avenue NW, Suite 400 Washington, DC 20036	202-662-1789	Kenneth.goldsmith@americanbar.org
American Bar Association Molly Flood	Division for Bar Services 321 North Clark Street Fl. 16 Chicago, IL 60654	312- 988-5998	Molly.flood@americanbar.org
American Bar Association Young Lawyers Division Lacy Durham President	Deloitte Tax LLP Chase Tower 2200 Ross Avenue, Ste 1600 Dallas, TX 75201	214-840-1926	lacydurham@yahoo.com
American College of Trial Lawyers Dennis Maggi Executive Director	19900 MacArthur Boulevard Suite 530 Irvine, California 92612	949-752-1801	dmaggi@actl.com
American Immigration Lawyers Susan D. Quarles Deputy Executive Director	1331 G St., NW, Ste. 300 Washington, DC 20005	202-507-7638	executive@aila.org
American Society of Association Executives (ASAE)	1575 I Street, NW Washington, DC 20005	202-626-2723	ASAEservice@asaecenter.org
Commission on Lawyers Assistance Programs Terry L. Harrell Chair	321 N. Clark Street Chicago, IL 60654-7598	317-833-0370	terry.harrell@courts.il.gov
Continuing Legal Education Regulators Association	P. O. Box 16443 Columbus, OH 43216	614-915-0123	info@clereg.net
Federal Bar Association Karen Silberman Executive Director	1220 N. Fillmore #444 Arlington, VA 22201	571-481-9100	fba@fedbar.org

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Hispanic National Bar Association Alba Cruz-Hacker COO & Executive Director	1020 19 th St., NW, Ste. 505 Washington, DC 20036	202-223-4777	acruzhacker@hnba.com
International Legal Technology Association Kenny Pettitte Member Services Administrator	9701 Brodie Ln Austin, TX 78748	512-795-4669	Kenny@iltanet.org
Legal Services Corporation Jim Sandman President	3333 K Street, NW, 3 rd Floor, Washington, DC 20007-3522	202-295-1515	jsandman@lsc.gov
National Asian Pacific American Bar Association Tina Matsuoka Executive Director	1612 K St., NW, Ste. 1400 Washington, DC 20006	202-775-9555	tmatsuoka@napaba.org
National Association of Bar Executives Pamela Robinson Deputy Director	321 N. Clark Street, 16 th Floor Chicago, IL 60654	312-988-5345	Pamela.robinson@americanbar.org
National Association of Women Judges Marie Komisar Executive Director	1001 Connecticut Ave., NW, Ste. 1138 Washington, DC 20036	202-393-0222	mkomisar@nawj.org
National Association of Women Lawyers Jennifer A. Waters Executive Director	321 N. Clark St, MS 19.1 Chicago, IL 60654	312-988-6196	watersj@nawl.org
National Bar Association Alfreda Davis Executive Director	1225 11 th St. NW Washington, DC 20001	202-842-3900	Adavis@nationalbar.org
National Center for Access to Justice David Udell Executive Director	55 Fifth Avenue, Room 907 New York, NY 10003	212-790-0869	udell@yu.edu
National Coalition for a Civil Right to Counsel John Pollock Coordinator	c/o Public Justice Center 1 North Charles Street, Suite 200 Baltimore, MD 21201	410-400-6954	jpollock@publicjustice.org

Group or Association Name/ Contact Person	Address	Telephone	Email Address
National Conference of Women's Bar Associations S. Diane Rynerson Executive Director	P.O. Box 82366 Portland, OR 97282	503-775-4396	diane@ncwba.org
National Institute of Trial Advocacy Jeanne Philotoff	1685 38 th St. Ste.200 Boulder, CO 80301	800-225-6482	jphilotoff@nita.org
National Legal Aid & Defender Association Don Saunders Vice President, Civil Legal Services	1901 Pennsylvania Ave. NW, Suite 500, Washington, DC 20006	202-452-0620	d.saunders@nlada.org
National Lesbian, Gay, Bisexual, and Transgender Bar Association D'Arcy Kemnitz Executive Director	1875 I Stree NW, 11 th Floor Washington, DC 20006	202-637-7663	info@lgbtbar.org
The American Association of Nurse Attorneys Paula Henry, President	27422 Portola Pkwy. #360 Foothills Ranch, CA 92610	949-859-5680	paulah@hhlawgroup.com
The Center for Association Leadership (ASAE) Vivian Abalama Volunteer Relations Manager	1575 I St., NW Washington, DC 20005	202-626-2809	vabalama@asaecenter.org
U.S. Department of Justice Karen Lash Deputy Director Access to Justice Initiative	950 Pennsylvania Ave, NW, Room 3623 Washington, D.C. 20530	202-307-3573	Karen.Lash@usdoj.gov
U.S.-Mexico Bar Association Philip Robbins, US Chair	1221 E. Osborn Rd. #100 Phoenix, AZ	602-648-3215	phil@pcrobbins.com
Voices for Civil Justice Martha Bergmark Executive Director	1201 Connecticut Ave, NW Suite 300 Washington, DC 20036	202-747-1786	bergmark@voicesforciviljustice.org
STATE ASSOCIATIONS			
American Board of Trial Advocates Cay Dickson Executive Director	Texas Chapter 2003 Indiana Street Houston, TX 77019	713-524-6965	Tex-abota@abota.org

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Board of Disciplinary Appeals (BODA) General counsel	PO. Box 12426	512-427-1578	Chris.mckeeman@texasbar.com
Freedom of Information Foundation of Texas Kelley Shannon Executive Director	3001 N. Lamar Blvd., Ste. 302 Austin, TX 78705	512-377-1575	Kelley.shannon@foift.org
Mexican American Bar Association of Texas Danny Raxo President	P.O. Box 3931 El Paso, TX 79923	915-307-5078	razodanny@hotmail.com
Municipal Justice Bar Association of Texas Gerald Monks President	4615 Southwest Fwy., Ste. 520 Houston, TX 77027-7174	713-666-6657	gpmonks@monkslaw.com
Texas Academy of Family Law Specialists Pam Faris Accountant	1300 S. University, Ste. 510 Fort Worth, TX 76107		pfaris@psfaris.com
Texas Access to Justice Foundation Betty Bali Torres Executive Director	1601 Rio Grande #351 Austin, TX 78701	512-320-0099	bbtorres@teaif.org
Texas Association Against Sexual Assault Christopher Kaiser Staff Attorney	6200 La Calma Dr # 110, Austin, TX 78752	512-474-7190 ext. 38	ckaiser@taasa.org
Texas Association for the Gifted and Talented Tracy Weinberg	5920 W. William Cannon Dr., Building 7, Suite 102, Austin, TX 78749.	512-499-8248, ext. 205	tweinberg@txgifted.org
Texas Association of Addiction Professionals Paula Heller Garland	401 Ranch Road South., Suite 310 Austin, TX 78734	512-708-0629	admin@taap.org
Texas Association of Defense Counsel Bobby L. Walden Executive Director	400 W. 15 th St., Ste. 420 Austin, TX 78701	512-476-5225	bwalden@tadc.org
Texas Association of Legal Professionals Samantha Tandy President	2400 Lavender Lane Arlington, TX 76013		tandytalp@gmail.com

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Bankers Association Olivia Carmichael Solis Vice President of Marketing and Communications	203 W. 10 th Street Austin, TX 78701	512-472-8388	Olivia@texasbankers.com
Texas Center for Legal Ethics Jonathan Smaby Executive Director	1414 Colorado St Austin, TX 78701	512-427-1477	Jonathan.Smaby@texasbar.com
Texas Center for the Judiciary Mark D. Atkinson Chief Executive Officer	1210 San Antonio St, Austin, TX 78701	512-482-8986	matkinson@yourhonor.com
Texas Council for the Social Studies/Chad Taylor	www.txcss.net		taylorch@lisd.net
Texas Council on Family Violence Tracy Grinstead-Everly Public Policy Manager	PO Box 163865 Austin, Texas 78716	512-794-1133	tgrinstead-everly@tcfv.org
Texas Criminal Defense Lawyers Association Joseph Martinez Executive Director	6808 Hill Meadow Austin, TX 78736	512-478-2514	jmartinez@tcdla.com
Texas District and County Attorneys Association Robert Kepple Executive Director	505 W. 12 th St., Ste. 100 Austin, TX 78701	512-474-2436	Robert.kepple@tdcaa.com
Texas Family Council Nate Walker Government Relations	4920 N. I-35 suite 210 Austin, TX 78723	512-374-2766	nate@txfamilycouncil.org
Texas Lawyers Auxiliary Jaquie Rothermel President		210-653-4024	jaquie@swbell.net
Texas Lawyers Concerned for Lawyers T.C. Turner, President	2121 Sage, Suite 250 Houston, Tx 77056	713-650-1550	thomascturner@gmail.com
Texas Legal James W. Buck President	7500 Rialto Blvd. Bldg. 1, Ste 120 Austin, TX 78735	512-327-1372	jbuck@texaslegal.org

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Social Studies Supervisors Association/Robin Sabo	2425 E. Main Street League City TX 77573	281-284-0088	rsabo@ccisd.net
Texas State Historical Association/Stephen Cure	30001 Lake Line Blvd. Ste. 3.116 Austin, TX 78703	512-471-3672	Stephen.cure@tshaonline.org
Texas Supreme Court Historical Society Mary Sue Miller Administrative Coordinator	PO Box 12673 Austin, TX 78711	512-481-1840	tscqs@sbcglobal.net
Texas Trial Lawyers Association Tiffany McGee, Chief Executive Officer James Fields, Chief Officer of Public Affairs	1220 Colorado St., Ste. 500 Austin, TX 78701	512-476-3852	tmcgee@tla.com jfields@tla.com
Texas Women Lawyers Misty Blair President	6250 Underwood Rd. Pasadena, TX 77507	281-474-7084	mblairjd@gmail.com
Texs Bar Foundation Andrea Stone Executive Director	515 Congress Ave. Suite 1755 Austin, TX 78701	512-480-8000	astone@txbf.org
Traffic Lawyers of Texas Matthew Davidson President	825 W. Vickery Blvd. Fort Worth, TX 76104	817-717-6911	matt@davidsonlawdfw.com
US Mexico Bar Association Lawrence Hanson President	1 Riverway, Ste. 2300 Houston, TX 77056	713-961-8000	lwhanson@lwhansonassociates.com

Table 19 Exhibit 14 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Board of Law Examiners Susan Henricks Executive Director	205 W. 14 th #500 Austin, TX 78701	512-463-1621	susan.henricks@mail.capnet.state.tx.us
ERS Benjamin Lyons General Ledger Team Lead	200 East 18 th Street Austin, Texas 78701	512-867-7662	Benjamin.lyons@ers.state.tx.us

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
ERS Cheryl Robbins accountant	200 E. 18 th Street Austin, TX 78701	512-867-7228	cheryl.robbs@ers.state.tx.us
Office of Court Administration David Slayton Executive Director	P.O. Box 12066 Austin, Texas 78701	512- 463-1626	dslayton@txcourts.gov
Secretary of State Texas Register (via website)	P.O. Box 12887 Austin, Texas 78711- 2887	512-463-5561	www.sos.texas.gov
State Auditor's Office Kelly Linder Assistant State Auditor	1501 N. Congress Austin, Texas 78701	512-936-9500	Klinder@sao.state.tx.us
State Auditor's Office Juan Sanchez Classification Analyst	1501 N. Congress Austin, TX 78701	512-936-9500	JSanchez@sao.state.tx.us
State Commission on Judicial Conduct Seana Wiling Executive Director	P.O. Box 12265 Austin, TX 78711	512-463-5533	Seana.wiling@scjc.texas.gov
Supreme Court of Texas Chief Justice Nathan Hecht Justice Phil Johnson, Liaison to State Bar Board Justice Paul Green, Liaison to TYLA Board Justice Eva Guzman, Liaison to ATJ Commission Blake Hawthorne, Clerk Nina Hess Hsu, General Counsel Martha Newton, Rules Attorney Osler McCarthy, Staff Attorney for Public Information	PO Box 12248 Austin, TX 78711	512-463-1312	Nathan.Hecht@txcourts.gov Phil.Johnson@txcourts.gov Paul.green@txcourts.gov Eva.Guzman@txcourts.gov Blake.Hawthorne@txcourts.gov Nina.HessHsu@txcourts.gov Martha.newton@txcourts.gov Osler.McCarthy@courts.state.tx.us
Supreme Court Unauthorized Practice of Law Committee Leland de la Garza, Chair	1445 Ross Ave, Ste. 2400 Dallas, TX 75202	214-922-4164	LdelaGarza@hallettperrin.com

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Texas Center for the Judiciary Mark Atkinson, CEO	1210 San Antonio Suite 800 Austin, TX 78701	512-482-8986	matkinson@yourhonor.com
Texas Comptroller of Public Accounts Tom Zapata Financial Reporting Analyst	LBJ Office Building 111 East 17 th Street Austin, Texas 78774	512-463-6704	Tom.zapata@cpa.texas.gov
Texas Comptroller of Public Accounts/Appropriation Control Officer Reno Daniels	111 E. 17 th St., Austin, TX 78774	512-463-3528	reno.daniels@cpa.texas.gov
Texas Comptroller of Public Accounts/Treasury Operations(lockbox)/ David Meziere	Rusk State Office Building 208 E. 10 th St., Austin, TX 78701	512-463-1329	david.meziere@cpa.texas.gov
Texas Department of Information Resources Walter Gaylor	1001 West North Loop Austin, TX 78756	512-475-0855	Walter.Gaylor@dir.texas.gov
Texas Education Agency-CPE Lorrie S. Ayers	1701 N. Congress Austin, TX 78701	512-936-2166	Lorrie.ayers@tea.state.tx.us
Texas Guaranteed Student Loan Coporation Myra Sorrells Paul Miller Collections Analyst	301 Sundance Pkwy. Round Rock, TX 78681	512-219-5700	myra.sorrells@tgsi.org paul.miller@tgsi.org
Texas Indigent Defense Commission Jim Bethke Executive Director	205 W. 14 th St. Ste. 600	512-936-6994	Jim.Bethke@courts.state.tx.us
Texas Judicial Council Meredith Musick-Higgins Executive Assistant	P.O. Box 12066 Austin, TX 78711-2066	512-936-7554	Meredith.higgins@txcourts.gov
Texas Juvenile Justice Department Kristy Almager Directory of Juvenile Justice Training Academy	11209 Metric Blvd Austin, TX 78711	512-490-7125	Kristy.almager@tjjd.tx.gov
Texas Municipal Courts Education Center Hope Lochridge Executive Director	2210 Hancock Drive Austin, TX 78756	512-320-8274	hope@tmcec.com

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Texas Real Estate Commission Kerri Lewis General Counsel	1700 N. Congress Ave. Ste. 400 Austin, TX 78701	512-936-3000	kerri.lewis@trec.texas.gov
Texas State Library and Archives Commission Arturo Villarreal Bill & Contracts Accountant	P O Box 12516 Austin, TX 78711	512.463.5512	avillarreal@tsl.texas.gov
Texas State Library and Archives Commission Bonnie Zuber Government Information Analyst	1201 Brazos St. Austin, TX 78701	512-463-0188	bzuber@tsl.texas.gov
Texas Veterans Commission Texas Coordinating Council for Veteran Services Justin Coleman Senior Government Relations Liaison	1700 N. Congress Avenue	512-463-8914	Justin.Coleman@tvc.texas.gov
Texas Workforce Commission	101 E. 15 th St. Austin, TX 78778	512-463-2222	customers@twc.state.tx.us

Table 20 Exhibit 14 Liaisons at Other State Agencies

XI. Additional Information

- A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment.

**State Bar of Texas
Exhibit 15: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Annual Financial Audit Report	Tex. Govt. Code, §81.023	Report is due November 20th of each year	Office of the Comptroller; State Auditor's Office; Governor's Office; Legislative Budget Board; Legislative Reference Library; Texas State Library	Annual Financial Audit Report	Yes the report is still needed. As a quasi state agency, the State Bar must submit a report of its annual financial activity for inclusion in the Texas Comprehensive Annual Financial Report. So, this remains as a necessary requirement.

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Annual Internal Audit Report (Includes PFIA Compliance Audit)	Tex. Govt. Code, §2102.005	Report is due November 1st of each year. However, since our Board doesn't approve our Internal Audit Report until the January Board meeting, the report is forwarded to the appropriate parties after the Board meeting in January.	Governor's Office of Budget, Planning & Policy; State Auditor's Office; Legislative Budget Board; Sunset Advisory Commission	Annual Internal Audit Report	Yes the report is still needed. As a quasi-state agency, the State Bar is not part of the over-all State of Texas internal audit process. So, this remains a necessary requirement.
Internal Audit Plan	Tex. Govt. Code, §2102.005	Every 4 years	Governor's Office of Budget, Planning & Policy; State Auditor's Office; Legislative Budget Board; Sunset Advisory Commission	4-Year Internal Audit Plan	Yes the report is still needed. As a quasi-state agency, the State Bar is not part of the over-all State of Texas internal audit process. So, this remains a necessary requirement.
Performance Measures Report	Tex. Govt. Code, §81.0215	Annually	Supreme Court of Texas	Report the performance measures included in the strategic plan	Yes. The State Bar is an administrative agency of the Supreme Court.

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Continuing Professional Education (CPE) Provider Continuing Approval Report	19 Tex. Admin.Code, §232.21	Each year on December 1	Texas Education Agency	All providers must maintain a log of CPE activities conducted that includes a list of attendees, the date and content of the activity and the number of clock hours that count toward satisfying CPE requirements	Yes. Required to submit one per year to retain CPE provider status.
State Bar of Texas Commission for Lawyer Discipline Annual Report	Tex. Govt. Code, §81.076(h)	Annually, each September	Supreme Court of Texas and the State Bar Board of Directors	Annual report concerning the state of the attorney discipline system.	Yes, because of the ongoing need to review and analyze the data provided regarding the disciplinary system.

Table 21 Exhibit 15 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Has the agency implemented statutory requirements to ensure the use of "first person respectful language"? Please explain and include any statutory provisions that prohibits these changes.

Although the State Bar is not required by statute to ensure the use of "first person respectful language," the State Bar does use such language in its publications and notices.

- C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.**

The State Bar has a policy for handling, tracking, and resolving written complaints. However, it is the State Bar's goal and practice to attempt resolution of all complaints immediately by phone or in person. If unable to do so, the public information officer of the Chief Disciplinary Counsel's office or the Legal Counsel's office responds to the complaint in writing.

The Bar rarely receives written complaints. During fiscal years 2013 and 2014, there were no complaints regarding the agency that required the use of the formal complaint resolution process.

State Bar of Texas
Exhibit 16: Complaints Against the Agency — Fiscal Years 2013 and 2014

	Fiscal Year 2013	Fiscal Year 2014
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped / found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	0

Table 22 Exhibit 16 Complaints Against the Agency

- D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases.**

The State Bar Act (in Texas Government Code §81.0151) requires the board of directors to adopt guidelines and procedures for purchasing that are consistent with guidelines in Chapters 2155 through 2158, Government Code. The board has adopted such purchasing rules and procedures in Board Policy Manual, Section 3.06. The requirements and guidelines for historically underutilized businesses are in Chapter 2161, Government Code. Since the State Bar is not subject to Chapter 2161, it does not maintain records in a way that allows HUB purchases to be isolated and analyzed. What is provided in the following tables is a breakdown of expenditures by category. Amounts in the tables only reflect expenditures for the HUB categories listed as they are defined in statutes and rules. The tables do not include *all* State Bar expenditures.

**State Bar of Texas
Exhibit 17: Purchases from HUBs**

Fiscal Year 2013

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	\$0	N/A	N/A	N/A	11.2%
Building Construction	\$0	N/A	N/A	N/A	21.1%
Special Trade	\$121,653	N/A	N/A	N/A	32.7%
Professional Services	\$83,625	N/A	N/A	N/A	23.6%
Other Services	\$110,466	N/A	N/A	N/A	24.6%
Commodities	2,032,871	N/A	N/A	N/A	21.0%
TOTAL	2,348,615	N/A	N/A		

Table 23 Exhibit 17 HUB Purchases for FY 2013

* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.13)

Fiscal Year 2014

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	N/A	N/A	N/A	11.2%
Building Construction	\$0	N/A	N/A	N/A	21.1%
Special Trade	\$129,224	N/A	N/A	N/A	32.7%
Professional Services	\$108,635	N/A	N/A	N/A	23.6%
Other Services	\$105,940	N/A	N/A	N/A	24.6%
Commodities	\$2,300,380	N/A	N/A	N/A	21.0%
TOTAL	\$2,674,079	(N/A)	N/A		

Table 24 Exhibit 17 HUB Purchases for FY 2014

Fiscal Year 2015

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	N/A	N/A	N/A	11.2%
Building Construction	\$219,853	N/A	N/A	N/A	21.1%
Special Trade	\$128,585	N/A	N/A	N/A	32.7%
Professional Services	\$107,250	N/A	N/A	N/A	23.6%

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	\$102,647	N/A	N/A	N/A	24.6%
Commodities	\$2,364,823	N/A	N/A	N/A	21.0%
TOTAL	\$2,923,158	N/A	N/A		

Table 25 Exhibit 17 HUB Purchases for FY 2015

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)

While the State Bar of Texas does not have a HUB policy within the meaning of Chapter 2161, Government Code, vendors on the HUB list are requested to submit proposals.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)

The State Bar is not subject to this rule. However, purchasing seeks HUB subcontracting in contracts that are \$100,000 or more whenever possible.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)

N/A

2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)

N/A

3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)

N/A

H. Fill in the charts below detailing your agency's Equal Employment Opportunity (EEO) statistics.

State Bar of Texas
Exhibit 18: Equal Employment Opportunity Statistics

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	55	9.09%	8.99%	9.09%	19.51%	61.82%	39.34%
2014	56	7.14%	8.99%	7.14%	19.51%	57.89%	39.34%
2015	56	7.14%	8.99%	7.14%	19.51%	57.14%	39.34%

Table 26 Exhibit 18 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	68	10.29%	11.33%	16.18%	17.4%	75.00%	59.14%
2014	66	9.09%	11.33%	18.18%	17.4%	75.75%	59.14%
2015	62	6.45%	11.33%	19.35%	17.4%	79.03%	59.14%

Table 27 Exhibit 18 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
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Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	11	0.00%	14.16%	18.18%	21.36%	18.18%	41.47%
2014	11	0.00%	14.16%	9.09%	21.36%	18.18%	41.47%
2015	11	0.00%	14.16%	9.09%	21.36%	18.18%	41.47%

Table 28 Exhibit 18 EEO Statistics for Technical

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	136	11.03%	13.57%	37.50%	30.53%	85.59%	65.62%
2014	139	10.07%	13.57%	38.13%	30.53%	87.05%	65.62%
2015	134	10.45%	13.57%	38.05%	30.53%	88.06%	65.62%

Table 29 Exhibit 18 EEO Statistics for Administrative Support

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	2	0.00%	14.68%	50.0%	48.18%	0.00%	40.79%
2014	2	0.00%	14.68%	50.0%	48.18%	0.00%	40.79%

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2015	2	0.00%	14.68%	50.0%	48.18%	0.00%	40.79%

Table 30 Exhibit 18 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	N/A	N/A	6.35%	N/A	47.44%	N/A	4.19%
2014	N/A	N/A	6.35%	N/A	47.44%	N/A	4.19%
2015	N/A	N/A	6.35%	N/A	47.44%	N/A	4.19%

Table 31 Exhibit 18 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

The State Bar has an equal employment opportunity policy and complies fully with nondiscrimination provisions of all state and federal rules, laws, guidelines, regulations, and executive orders by ensuring that all employees and applicants receive equal opportunity for employment. The State Bar provides an employment discrimination training program for all employees as required by § 21.010 of the Texas Labor Code. The training must be taken within the first 30 days of employment and each employee must acknowledge participation in the training.

Appropriate disciplinary action, up to and including termination, will be taken against any employee for engaging in conduct in violation of this policy, regardless of whether the conduct also violates applicable law.

The State Bar's workforce is diverse and representative of the relevant labor market. To ensure that this diversity continues and that all potential applicants have equal opportunities, the State Bar works closely with the Minority Affairs Department and minority board members

to recruit minority attorneys and staff. The State Bar contacts community-based organizations such as the Urban League and the Chamber of Commerce regarding all job openings. In addition, all positions are posted with WorkinTexas.

XII. Agency Comments

No additional comments at this time.

ATTACHMENTS

Create a separate file and label each attachment (e.g., Attachment 1, Agency Statute) and include a list of items submitted.

Attachments Relating to Key Functions, Powers, and Duties

1. Agency's enabling statute.
 - STATE BAR ACT, CHAPTER 81, GOVERNMENT CODE
2. Annual reports published by the agency from FY 2012–2015.
 - 11-12 COMMISSION FOR LAWYERS DISCIPLINE ANNUAL REPORT
 - 12-13 COMMISSION FOR LAWYER DISCIPLINE ANNUAL REPORT
 - 13-14 COMMISSION FOR LAWYER DISCIPLINE ANNUAL REPORT
 - 12-13 LRE/LFEI ANNUAL REPORT
 - 13-14 LRE/LFEI ANNUAL REPORT
 - 14-15 LRE/LFEI ANNUAL REPORT
 - 11-12 STATE BAR ANNUAL REPORT
 - 12-13 STATE BAR ANNUAL REPORT
 - 13-14 STATE BAR ANNUAL REPORT
 - 11-12 TYLA ANNUAL REPORT
 - 12-13 TYLA ANNUAL REPORT
 - 13-14 TYLA ANNUAL REPORT
 - 14-15 TYLA ANNUAL REPORT
3. Internal or external newsletters published by the agency from FY 2014–2015.
 - **CLIENT SECURITY FUND NEWSLETTERS**
 - SEPTEMBER 2011 CLIENT SECURITY FUND NEWSLETTER
 - JANUARY 2014 CLIENT SECURITY FUND NEWSLETTER
 - **DISPATCH**
 - MAY 2015 DISPATCH, EMPLOYEE NEWSLETTER
 - **EXECUTIVE DIRECTOR'S REPORT**
 - FEBRUARY 2014 EXECUTIVE DIRECTOR'S REPORT
 - AUGUST 2014 EXECUTIVE DIRECTOR'S REPORT
 - FEBRUARY 2015 EXECUTIVE DIRECTOR'S REPORT
 - JULY 2015 EXECUTIVE DIRECTOR'S REPORT

- **FRIDAY UPDATE**
 - JUNE 2013 FRIDAY UPDATE
 - JULY 2013 FRIDAY UPDATE
 - AUGUST 2013 FRIDAY UPDATE
 - JANUARY 2015 FRIDAY UPDATE
 - FEBRUARY 2015 FRIDAY UPDATE
 - MARCH 2015 FRIDAY UPDATE
 - APRIL 2015 FRIDAY UPDATE
 - MAY 2015 FRIDAY UPDATE
 - JUNE 2015 FRIDAY UPDATE

- **LEGAL FRONT NEWSLETTER**
 - MAY 2013 LEGALFRONT
 - JULY 2013 LEGALFRONT
 - AUGUST 2013 LEGALFRONT
 - OCTOBER 2013 LEGALFRONT
 - DECEMBER 2013 LEGALFRONT
 - FEBRUARY 2014 LEGALFRONT
 - APRIL 2014 LEGALFRONT
 - AUGUST 2014 LEGALFRONT
 - OCTOBER 2014 LEGALFRONT
 - FEBRUARY 2015 LEGALFRONT
 - MAY 2015 LEGALFRONT

- **LRE – NET NOTES**
 - MAY 2014 NET NOTES
 - SEPTEMBER 2014 NET NOTES
 - DECEMBER 2014 NET NOTES

- **MEMBER BENEFITS**
 - JUNE 2013 MEMBER SERVICES AND BENEFITS
 - JULY 2013 MEMBER SERVICES AND BENEFITS
 - AUGUST 2013 MEMBER SERVICES AND BENEFITS
 - SEPTEMBER 2013 MEMBER SERVICES AND BENEFITS
 - OCTOBER 2013 MEMBER SERVICES AND BENEFITS
 - NOVEMBER 2013 MEMBER SERVICES AND BENEFITS
 - JANUARY 2014 MEMBER SERVICES AND BENEFITS
 - FEBRUARY 2014 MEMBER SERVICES AND BENEFITS
 - MARCH 2014 MEMBER SERVICES AND BENEFITS
 - APRIL 2014 MEMBER SERVICES AND BENEFITS
 - MAY 2014 MEMBER SERVICES AND BENEFITS
 - JUNE 2014 MEMBER SERVICES AND BENEFITS
 - JULY 2014 MEMBER SERVICES AND BENEFITS
 - AUGUST 2014 MEMBER SERVICES AND BENEFITS

- SEPTEMBER 2014 MEMBER SERVICES AND BENEFITS
- OCTOBER 2014 MEMBER SERVICES AND BENEFITS
- NOVEMBER 2014 MEMBER SERVICES AND BENEFITS
- DECEMBER 2014 MEMBER SERVICES AND BENEFITS
- JANUARY 2015 MEMBER SERVICES AND BENEFITS
- FEBRUARY 2015 MEMBER SERVICES AND BENEFITS
- MARCH 2015 MEMBER SERVICES AND BENEFITS
- APRIL 2015 MEMBER SERVICES AND BENEFITS
- MAY 2015 MEMBER SERVICES AND BENEFITS
- JUNE 2015 MEMBER SERVICES AND BENEFITS
- JULY 2015 MEMBER SERVICES AND BENEFITS

- **SECTION NEWSLETTERS**

- **ADMINISTRATIVE AND PUBLIC LAW SECTION**

- SUMMER 2013 ADMINISTRATIVE LAW JOURNAL VOL. 14
- SUMMER 2014 ADMINISTRATIVE LAW JOURNAL VOL. 15, BOOK 2
- FALL 2014 ADMINISTRATIVE LAW JOURNAL VOLUME 16, BOOK 1
- WINTER 2014 ADMINISTRATIVE AND PUBLIC LAW SECTION E-NEWSLETTER

- **ALTERNATIVE DISPUTE RESOLUTION SECTION**

- WINTER 2013 ALTERNATIVE RESOLUTIONS VOL.22, NO.2
- SPRING 2013 ALTERNATIVE RESOLUTIONS VOL.22, NO.3
- FALL 2013 ALTERNATIVE RESOLUTIONS VOL.23, NO.1
- SPRING 2014 ALTERNATIVE RESOLUTIONS VOL.23, NO.3
- SUMMER 2014 ALTERNATIVE RESOLUTIONS VOL.23, NO.4
- WINTER 2014 ALTERNATIVE RESOLUTIONS VOL.23, NO.2
- WINTER 2014 ALTERNATIVE RESOLUTIONS VOL.24, NO.1
- WINTER 2015 ALTERNATIVE RESOLUTIONS VOL.24, NO.2
- SPRING 2015 ALTERNATIVE RESOLUTIONS VOL.24, NO.3

- **ANTITRUST AND BUSINESS LITIGATION SECTION**

- SUMMER 2013 TEXAS BUSINESS LITIGATION JOURNAL VOL. 35 NO. 3
- FALL 2013 TEXAS BUSINESS LITIGATION JOURNAL VOL. 35 NO. 4
- WINTER 2014 TEXAS BUSINESS LITIGATION JOURNAL VOL. 36 NO. 1
- SPRING 2014 TEXAS BUSINESS LITIGATION JOURNAL VOL. 36 NO. 2
- SUMMER 2014 TEXAS BUSINESS LITIGATION JOURNAL VOL. 36 NO. 3
- FALL 2014 TEXAS BUSINESS LITIGATION JOURNAL VOL. 36 NO. 4
- WINTER 2015 TEXAS BUSINESS LITIGATION JOURNAL VOL. 37 NO. 1

APPELLATE SECTION

- SUMMER 2013 THE APPELLATE ADVOCATE VOL. 25, NO. 4
- FALL 2013 THE APPELLATE ADVOCATE VOL. 26, NO. 1
- WINTER 2013 THE APPELLATE ADVOCATE VOL. 26, NO. 2
- SPRING 2014 THE APPELLATE ADVOCATE VOL. 26, NO. 3
- SUMMER 2014 THE APPELLATE ADVOCATE VOL. 26, NO. 4
- FALL 2014 THE APPELLATE ADVOCATE VOL. 27, NO. 1
- WINTER 2014 THE APPELLATE ADVOCATE VOL. 27, NO. 2
- SPRING 2015 THE APPELLATE ADVOCATE VOL. 27, NO. 3

AVIATION LAW SECTION

- SEPTEMBER 2014 AIR MAIL VOL. 1 NO. 1

BANKRUPTCY LAW SECTION

- JUNE 2013 BANKRUPTCY LAW SECTION NEWSLETTER VOL. 12, NO. 2
- SEPTEMBER 2014 BANKRUPTCY LAW SECTION NEWSLETTER VOL. 13, NO. 1
- JANUARY 2015 BANKRUPTCY LAW SECTION NEWSLETTER VOL. 13, NO. 2
- MAY 2015 BANKRUPTCY LAW SECTION NEWSLETTER VOL. 13, NO. 3

BUSINESS LAW SECTION

- FALL 2013 BUSINESS LAW SECTION NEWSLETTER
- FALL 2014 BUSINESS LAW SECTION NEWSLETTER
- FALL 2013 TEXAS JOURNAL OF BUSINESS LAW VOL.45, NO.3
- FALL 2014 TEXAS JOURNAL OF BUSINESS LAW VOL.46, NO.1

COLLABORATIVE LAW SECTION

- MAY 2013 COLLAB-O-GRAMS, VOL 5, ISSUE 4
- WINTER 2014 SBOT COLLABORATIVE LAW SECTION NEWSLETTER
- SPRING 2015 SBOT COLLABORATIVE LAW SECTION NEWSLETTER
- SUMMER 2015 SBOT COLLABORATIVE LAW SECTION NEWSLETTER

COMPUTER AND TECHNOLOGY LAW SECTION

- SUMMER 2014 CIRCUITS NEWSLETTER, VOLUME 1
- FALL 2014 CIRCUITS NEWSLETTER, VOLUME 2
- WINTER 2015 CIRCUITS NEWSLETTER, VOLUME 3
- SUMMER 2015 CIRCUITS NEWSLETTER, VOLUME 1

CONSTRUCTION LAW SECTION

- CONSTRUCTION LAW JOURNAL, VOL. 11, NO. 1
- CONSTRUCTION LAW JOURNAL, VOL. 11, NO. 2
- CONSTRUCTION LAW JOURNAL, VOL. 12, NO. 1

CONSUMER AND COMMERCIAL LAW SECTION

- SUMMER 2013 JOURNAL OF CONSUMER & COMMERCIAL LAW VOL. 16, NO. 3
- FALL 2013 JOURNAL OF CONSUMER & COMMERCIAL LAW VOL. 17, NO. 1
- SUMMER 2014 JOURNAL OF CONSUMER & COMMERCIAL LAW VOL. 17, NO. 3
- FALL 2014 JOURNAL OF CONSUMER & COMMERCIAL LAW VOL. 18, NO. 1
- WINTER 2014 JOURNAL OF CONSUMER & COMMERCIAL LAW VOL. 18, NO. 2
- SUMMER 2015 JOURNAL OF CONSUMER & COMMERCIAL LAW VOL. 18, NO. 3

CORPORATE COUNSEL SECTION

- WINTER 2013 CORPORATE COUNSEL NEWSLETTER
- WINTER II 2013 CORPORATE COUNSEL NEWSLETTER
- SPRING I 2013 CORPORATE COUNSEL NEWSLETTER
- SPRING II 2013 CORPORATE COUNSEL NEWSLETTER
- SUMMER 2013 CORPORATE COUNSEL NEWSLETTER
- FALL 2013 CORPORATE COUNSEL NEWSLETTER
- SPRING 2014 CORPORATE COUNSEL NEWSLETTER
- SUMMER 2014 CORPORATE COUNSEL NEWSLETTER
- FALL 2014 CORPORATE COUNSEL NEWSLETTER
- WINTER 2015 CORPORATE COUNSEL NEWSLETTER

CRIMINAL JUSTICE SECTION

- APRIL 30, 2015 CRIMINAL JUSTICE SECTION NEWSLETTER

ENTERTAINMENT AND SPORTS LAW SECTION

- JANUARY 15, 2013 TESLAW E-NEWSLETTER ISSUE NO.1
- MARCH 15, 2013 TESLAW ENEWSLETTER ISSUE NO.2
- MARCH 15, 2013 TESLAW ENEWSLETTER ISSUE NO.3
- JULY 15, 2013 TESLAW ENEWSLETTER ISSUE NO.4
- SEPTEMBER 15, 2013 TESLAW ENEWSLETTER ISSUE NO.5
- NOVEMBER 15, 2013 TESLAW ENEWSLETTER ISSUE NO.6
- JANUARY 15, 2014 TESLAW ENEWSLETTER ISSUE NO.7
- MARCH 12, 2014 TESLAW ENEWSLETTER ISSUE NO.8
- MAY 15, 2014 TESLAW ENEWSLETTER ISSUE NO.9
- JULY 15, 2014 TESLAW ENEWSLETTER ISSUE NO.10
- SEPTEMBER 15, 2014 TESLAW ENEWSLETTER ISSUE NO.11
- NOVEMBER 15, 2014 TESLAW ENEWSLETTER ISSUE NO.12
- JANUARY 15, 2015 TESLAW ENEWSLETTER ISSUE NO.13
- APRIL 15, 2015 TESLAW ENEWSLETTER ISSUE NO.14
- JULY 15, 2015 TESLAW ENEWSLETTER ISSUE NO.15
- FALL-WINTER 2014 TEXAS ENTERTAINMENT AND SPORTS JOURNAL, VOL. 23, NO. 2
- SPRING-SUMMER 2014 TEXAS ENTERTAINMENT AND SPORTS JOURNAL, VOL. 23, NO.1

- SPRING-SUMMER 2015 TEXAS ENTERTAINMENT AND SPORTS JOURNAL, VOL. 24, NO.1

ENVIRONMENTAL AND NATURAL RESOURCES LAW SECTION

- APRIL 2014 TEXAS ENVIRONMENTAL LAW JOURNAL VOLUME 43, ISSUE 3
- MAY 2014 TEXAS ENVIRONMENTAL LAW JOURNAL VOLUME 44, ISSUE 1
- NOVEMBER 2014 TEXAS ENVIRONMENTAL LAW JOURNAL VOLUME 44, ISSUE 2
- MARCH 2015 TEXAS ENVIRONMENTAL LAW JOURNAL VOLUME 45, ISSUE 1

FAMILY LAW SECTION

- SECTION REPORT FAMILY LAW VOLUME 2013-3 (SUMMER)
- SECTION REPORT FAMILY LAW VOLUME 2013-4 (LEGISLATIVE)
- SECTION REPORT FAMILY LAW VOLUME 2013-5 (FALL)
- SECTION REPORT FAMILY LAW VOLUME 2013-6 (WINTER)
- SECTION REPORT FAMILY LAW VOLUME 2014-2 (SPRING)
- SECTION REPORT FAMILY LAW VOLUME 2014-3 (SUMMER)
- SECTION REPORT FAMILY LAW VOLUME 2014-4 (FALL)
- SECTION REPORT FAMILY LAW VOLUME 2014-5 (WINTER)
- SECTION REPORT FAMILY LAW VOLUME 2015-1 (BIBLIOGRAPHY)
- SECTION REPORT FAMILY LAW VOLUME 2015-2 (SPRING)

GENERAL PRACTICE SOLO AND SMALL FIRM SECTION

- WINTER 2014-2015 GENERAL PRACTICE DIGEST
- SPRING 2015 GENERAL PRACTICE DIGEST

HISPANIC ISSUES SECTION

- WINTER 2013 HISPANIC ISSUES SECTION NEWSLETTER
- SUMMER 2014 HISPANIC ISSUES SECTION NEWSLETTER
- WINTER 2015 HISPANIC ISSUES SECTION NEWSLETTER
- WINTER 2015 EBLAST HISPANIC ISSUES SECTION NEWSLETTER

INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION

- SPRING 2013 TEXAS JOURNAL ON CIVIL LIBERTIES & CIVIL RIGHTS VOL. 18 NO. 2
- FALL 2013 TEXAS JOURNAL ON CIVIL LIBERTIES & CIVIL RIGHTS VOL. 19 NO. 1
- SPRING 2014 TEXAS JOURNAL ON CIVIL LIBERTIES & CIVIL RIGHTS VOL. 19 NO. 2

INSURANCE LAW SECTION

- FALL 2013 JOURNAL OF TEXAS INSURANCE LAW VOL.12, NO.3
- WINTER 2014 JOURNAL OF TEXAS INSURANCE LAW VOL.12, NO.4
- SPRING 2014 JOURNAL OF TEXAS INSURANCE LAW VOL.12, NO.5
- FALL 2014 JOURNAL OF TEXAS INSURANCE LAW VOL.13, NO.1
- WINTER 2015 JOURNAL OF TEXAS INSURANCE LAW VOL.13, NO.2
- SPRING 2015 JOURNAL OF TEXAS INSURANCE LAW VOL.13, NO.3

INTELLECTUAL PROPERTY LAW SECTION

- SPECIAL ISSUE 2013 ADVANCED - INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- SPECIAL ISSUE-2013 SBOT ANNUAL MEETING CLE REPORT-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- WINTER 2013-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- SPRING 2014-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- SPECIAL ISSUE - 2014 ADVANCED INTELLECTUAL PROPERTY LAW COURSE-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- SPECIAL ISSUE - 2014 SBOT ANNUAL MEETING CLE REPORT-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- FALL 2014-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- WINTER 2014-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- WINTER 2015-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- SPRING 2015-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER
- SPECIAL ISSUE - 2015 ADVANCED INTELLECTUAL PROPERTY LAW COURSE-INTELLECTUAL PROPERTY LAW SECTION NEWSLETTER

JUVENILE LAW SECTION

- JUNE 2013 JUVENILE LAW SECTION NEWSLETTER VOL. 27, NO. 2
- AUGUST 2013 STATE BAR SECTION REPORT JUVENILE LAW VOL. 27, NO. 3
- SEPTEMBER 2013 JUVENILE LAW SECTION NEWSLETTER VOL. 27, NO. 4
- DECEMBER 2013 JUVENILE LAW SECTION NEWSLETTER VOL. 27, NO. 5
- MARCH 2014 JUVENILE LAW SECTION NEWSLETTER VOL. 28, NO. 1
- SEPTEMBER 2014 JUVENILE LAW SECTION NEWSLETTER VOL. 28, NO. 3
- DECEMBER 2014 JUVENILE LAW SECTION NEWSLETTER VOL. 28, NO. 4
- MAY 2015 JUVENILE LAW SECTION NEWSLETTER VOL. 29, NO. 1

LABOR AND EMPLOYMENT LAW SECTION

- 2013 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 26, NO. 1
- 2013 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 26, NO. 2
- 2013 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 26, NO. 3
- 2013 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 26, NO. 4
- 2013 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 26, NO. 5
- 2013 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 26, NO. 6
- 2014 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 27, NO. 1
- 2014 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 27, NO. 2
- 2014 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 27, NO. 3
- 2014 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 27, NO. 4
- 2014 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 27, NO. 5
- 2014 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 27, NO. 6
- 2015 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 28, NO. 1
- 2015 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 28, NO. 2
- 2015 LABOR AND EMPLOYMENT LAW SECTION NEWSLETTER VOL. 28, NO. 3

LEGISLATIVE AND CAMPAIGN SECTION

- WINTER 2014 LEGISLATIVE AND CAMPAIGN E-NEWSLETTER
- SPRING 2015 LEGISLATIVE AND CAMPAIGN E-NEWSLETTER

LGBT LAW SECTION

- SPRING 2013 LGBT SECTION NEWSLETTER
- WINTER 2014 LGBT SECTION NEWSLETTER

LITIGATION SECTION

- SUMMER 2013 LITIGATION SECTION REPORT THE ADVOCATE VOL. 63
- FALL 2013 LITIGATION SECTION REPORT THE ADVOCATE VOL. 64
- WINTER 2013 LITIGATION SECTION REPORT THE ADVOCATE VOL. 65
- SPRING 2014 LITIGATION SECTION REPORT THE ADVOCATE VOL. 66
- SUMMER 2014 LITIGATION SECTION REPORT THE ADVOCATE VOL. 64
- FALL 2014 LITIGATION SECTION REPORT THE ADVOCATE VOL. 68
- WINTER 2014 LITIGATION SECTION REPORT THE ADVOCATE VOL. 69
- SPRING 2015 LITIGATION SECTION REPORT THE ADVOCATE VOL. 70
- SUMMER 2015 LITIGATION SECTION REPORT THE ADVOCATE VOL. 71
- WINTER 2013 NEWS FOR THE BAR THE LITIGATION SECTION
- WINTER 2014 NEWS FOR THE BAR THE LITIGATION SECTION
- FALL 2014 NEWS FOR THE BAR THE LITIGATION SECTION
- SPRING 2015 NEWS FOR THE BAR THE LITIGATION SECTION
- SPRING-SUMMER 2015 NEWS FOR THE BAR THE LITIGATION SECTION

MUNICIPAL JUDGES

- 2014 EBLAST MUNICIPAL JUDGES

OIL, GAS AND ENERGY RESOURCES LAW SECTION

- WINTER 2013 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 37, NO. 2
- SPRING 2013 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 37, NO. 3
- SUMMER 2013 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 37, NO. 4
- FALL 2013 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 38, NO. 1
- WINTER 2014 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 38, NO. 2
- SPRING 2014 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 38, NO. 3
- SUMMER 2014 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 38, NO. 4

- FALL 2014 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 39, NO. 1
- WINTER 2015 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 39, NO. 2
- SPRING 2015 SECTION REPORT OF THE OIL GAS & ENERGY RESOURCES LAW VOL. 39, NO. 3

PARALEGAL DIVISION

- SUMMER 2014 PARALEGAL DIVISION NEWSLETTER
- FALL 2014 PARALEGAL DIVISION NEWSLETTER
- WINTER 2014 PARALEGAL DIVISION NEWSLETTER
- WINTER 2015 PARALEGAL DIVISION NEWSLETTER

POVERTY LAW SECTION

- SPRING 2013 POVERTY LAW SECTION REPORTER VOLUME 6
- SPRING 2015 POVERTY LAW SECTION REPORTER VOLUME 8

REAL ESTATE, PROBATE & TRUST SECTION

- REAL ESTATE, PROBATE AND TRUST LAW REPORTER VOLUME 52, NO.1
- REAL ESTATE, PROBATE AND TRUST LAW REPORTER VOLUME 52, NO.2
- REAL ESTATE, PROBATE AND TRUST LAW REPORTER VOLUME 52, NO.3
- REAL ESTATE, PROBATE AND TRUST LAW REPORTER VOLUME 53, NO.1
- REAL ESTATE, PROBATE AND TRUST LAW REPORTER VOLUME 53, NO.2
- REAL ESTATE, PROBATE AND TRUST LAW REPORTER VOLUME 53, NO.3

SCHOOL LAW SECTION

- SPRING 2014 STATE BAR SECTION REPORT SCHOOL LAW VOL.12, NO.1
- SPRING 2015 STATE BAR SECTION REPORT SCHOOL LAW VOL.13, NO.1

TAX SECTION

- WINTER 2013 THE TEXAS TAX LAWYER VOL.40, NO.2
- FALL 2013 THE TEXAS TAX LAWYER VOL.41, NO.1
- FALL 2014 THE TEXAS TAX LAWYER VOL.41, NO.2 PART 1
- FALL 2014 THE TEXAS TAX LAWYER VOL. 42, NO. 1
- SPRING 2014 THE TEXAS TAX LAWYER VOL.41, NO.3
- SPRING 2015 THE TEXAS TAX LAWYER VOL.42, NO.3
- WINTER 2015 THE TEXAS TAX LAWYER VOL. 42, NO.2 PART 1
- WINTER 2015 THE TEXAS TAX LAWYER VOL. 42, NO.2 PART 2
- WINTER 2015 THE TEXAS TAX LAWYER VOL. 42, NO.2 PART 3

WOMEN AND THE LAW SECTION

- FALL 2013 THE WOMEN’S ADVOCATE VOL. 34, NO. 1
- SPRING 2014 THE WOMEN’S ADVOCATE VOL. 34, NO. 2
- FALL 2014 THE WOMEN’S ADVOCATE VOL. 35, NO. 1
- SPRING 2015 THE WOMEN’S ADVOCATE VOL. 35, NO. 2

WORKERS’ COMPENSATION SECTION

- WINTER 2013-2014 WORKERS’ COMPENSATION SECTION NEWSLETTER VOLUME 3, ISSUE 1
- SUMMER 2014 WORKERS’ COMPENSATION SECTION NEWSLETTER VOLUME 3, ISSUE 1

• **TEXAS BAR JOURNAL**

- JUNE 2013 TEXAS BAR JOURNAL
- JULY 2013 TEXAS BAR JOURNAL
- SEPTEMBER 2013 TEXAS BAR JOURNAL
- OCTOBER 2013 TEXAS BAR JOURNAL
- NOVEMBER 2013 TEXAS BAR JOURNAL
- DECEMBER 2013 TEXAS BAR JOURNAL
- JANUARY 2014 TEXAS BAR JOURNAL
- FEBRUARY 2014 TEXAS BAR JOURNAL
- MARCH 2014 TEXAS BAR JOURNAL
- APRIL 2014 TEXAS BAR JOURNAL
- MAY 2014 TEXAS BAR JOURNAL
- JUNE 2014 TEXAS BAR JOURNAL
- JULY 2014 TEXAS BAR JOURNAL
- SEPTEMBER 2014 TEXAS BAR JOURNAL
- OCTOBER 2014 TEXAS BAR JOURNAL
- NOVEMBER 2014 TEXAS BAR JOURNAL
- DECEMBER 2014 TEXAS BAR JOURNAL
- JANUARY 2015 TEXAS BAR JOURNAL
- FEBRUARY 2015 TEXAS BAR JOURNAL
- MARCH 2015 TEXAS BAR JOURNAL
- APRIL 2015 TEXAS BAR JOURNAL
- MAY 2015 TEXAS BAR JOURNAL

• **TEXAS SPECTRUM**

- SPRING 2014, TEXAS SPECTRUM
- FALL 2014, TEXAS SPECTRUM
- SUMMER 2015, TEXAS SPECTRUM

- **TEXAS LAWYERS' ASSISTANCE PROGRAM**
 - 2013 TEXAS LAWYERS' ASSISTANCE PROGRAM NEWSLETTER
 - 2014 TEXAS LAWYERS' ASSISTANCE PROGRAM NEWSLETTER
 - APRIL 2015 TEXAS LAWYERS' ASSISTANCE PROGRAM NEWSLETTER
 - JULY 2015 TEXAS LAWYERS' ASSISTANCE PROGRAM NEWSLETTER

- **TEXAS YOUNG LAWYERS ASSOCIATION – ENEWS**
 - JUNE/JULY 2013 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - AUGUST 2013 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - SEPTEMBER 2013 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - OCTOBER 2013 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - NOVEMBER 2013 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - DECEMBER 2013 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - JANUARY 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - FEBRUARY 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - MARCH 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - APRIL 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - MAY 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - JUNE/JULY 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - AUGUST 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - SEPTEMBER 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - OCTOBER 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - NOVEMBER 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - DECEMBER 2014 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - JANUARY 2015 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - FEBRUARY 2015 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - MARCH 2015 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - APRIL 2015 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - MAY 2015 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS
 - JUNE/JULY 2015 TEXAS YOUNG LAWYERS ASSOCIATION ENEWS

- **UPDATE NEWSLETTER (TAJC)**
 - JUNE 2013 UPDATE NEWSLETTER
 - OCTOBER 2013 UPDATE NEWSLETTER
 - DECEMBER 2013 UPDATE NEWSLETTER
 - MARCH 2014 UPDATE NEWSLETTER
 - JULY 2014 UPDATE NEWSLETTER
 - OCTOBER 2014 UPDATE NEWSLETTER
 - DECEMBER 2014 UPDATE NEWSLETTER
 - MARCH 2015 UPDATE NEWSLETTER
 - JUNE 2015 UPDATE NEWSLETTER

4. List of publications and brochures describing the agency.
 - ANNUAL MEETING EVENT GUIDE
 - CAAP BROCHURE (ENGLISH)
 - CAAP BROCHURE (SPANISH)
 - CDC BROCHURE (ENGLISH)
 - CDC BROCHURE (SPANISH)
 - LAW RELATED EDUCATION BROCHURE
 - LAW STUDENT DIVISION BROCHURE
 - LAWYER REFERRAL & INFORMATION SERVICE (LRIS) BROCHURE
 - LOCAL BAR SERVICES BROCHURE
 - OFFICE OF MINORITY AFFAIRS BROCHURE
 - SECTIONS DEPARTMENT BROCHURE
 - SERVING TEXAS LAWYERS BROCHURE
 - TEXAS BAR BOOKS BROCHURE
 - TEXAS BAR CLE BROCHURE
 - TEXAS BAR CONNECT BROCHURE
 - TEXAS BAR WEBSITE BROCHURE
 - TEXAS YOUNG LAWYERS' ASSOCIATION BROCHURE
 - WORKING FOR TEXAS LAWYERS BROCHURE

5. List of studies that the agency is required to do by legislation or riders.
 - NO STUDIES ARE REQUIRED BY LEGISLATION OR RIDERS.

6. List of legislative or interagency studies relating to the agency that are being performed during the current interim.
 - NO STUDIES RELATING TO THE AGENCY ARE BEING PERFORMED DURING THE CURRENT INTERIM.

7. List of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions. Provide links if available.
 - American Bar Association Commission on the Future of Legal Services: Informational Report to the House of Delegates, http://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/2015_hod_annual_inforpt_5.authcheckdam.pdf
 - National OBC, NPRL, Association of Professional Responsibility Lawyers (APRL), together with the American Bar Association's Commission on Lawyer Assistance Programs (CoLAP), appointed a Second Joint Committee on Aging Lawyers to further

study the manner in which the legal profession is preparing for its aging lawyer population. <http://nabc.org/docs/news/NOBC-APRL-CoLAP-final-report.pdf>

- What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success, *Lawrence S. Krieger, JD; Kennon M. Sheldon, Ph.D.*, <http://www.gwlr.org/wp-content/uploads/2015/05/83-Geo-Wash-L-Rev-554.pdf>
- [Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans](#), an updated report from the Legal Services Corporation (September 2009)
- [Supporting Justice III: A Report on the Pro Bono Work of America's Lawyers](#), American Bar Association Standing Committee On Pro Bono And Public Service (March 2013)
- [Assessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study](#), Rebecca L. Sandefur, American Bar Foundation, University of Illinois at Urbana-Champaign (August 2014)

Attachments Relating to Policymaking Structure

8. Biographical information (e.g., education, employment, affiliations, and honors) or resumes of all policymaking body members.
 - SHORT BIOGRAPHIES OF ALL STATE BAR BOARD OF DIRECTORS.
9. Agency's most recent rules. If lengthy, please provide citations.

THE STATE BAR OF TEXAS DOES NOT PROMULGATE RULES FOR INCLUSION IN THE TEXAS ADMINISTRATIVE CODE. HOWEVER, INCLUDED ARE ELECTRONIC FILES OF:

- SUPREME COURT STATE BAR RULES
- STATE BAR BOARD POLICY MANUAL
- TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT
- TEXAS RULES OF DISCIPLINARY PROCEDURE

Attachments Relating to Funding

10. Agency's Legislative Appropriations Request for FY 2016–2017.
 - N/A. THE STATE BAR OF TEXAS DOES NOT RECEIVE LEGISLATIVE APPROPRIATIONS.
11. Annual financial reports from FY 2012–2014.
 - STATE BAR OF TEXAS FINANCIAL AUDIT FY 2011-2012
 - STATE BAR OF TEXAS FINANCIAL AUDIT FY 2012-2013
 - STATE BAR OF TEXAS FINANCIAL AUDIT FY 2013-2014

12. Operating budgets from FY 2013–2015.
 - STATE BAR OF TEXAS BUDGET FY 2013-2014
 - STATE BAR OF TEXAS BUDGET FY 2014-2015
 - STATE BAR OF TEXAS BUDGET FY 2015-2016

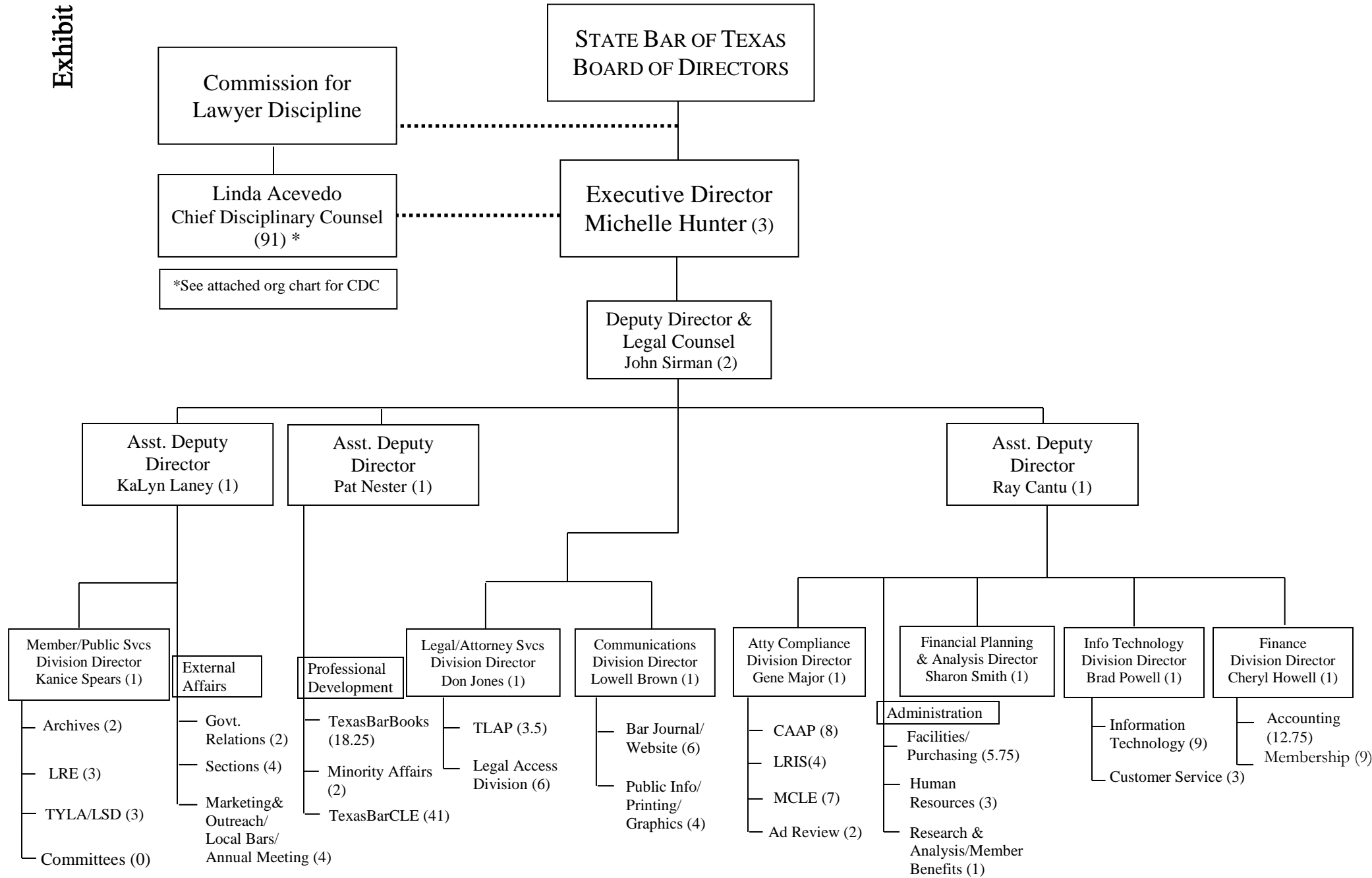
Attachments Relating to Organization

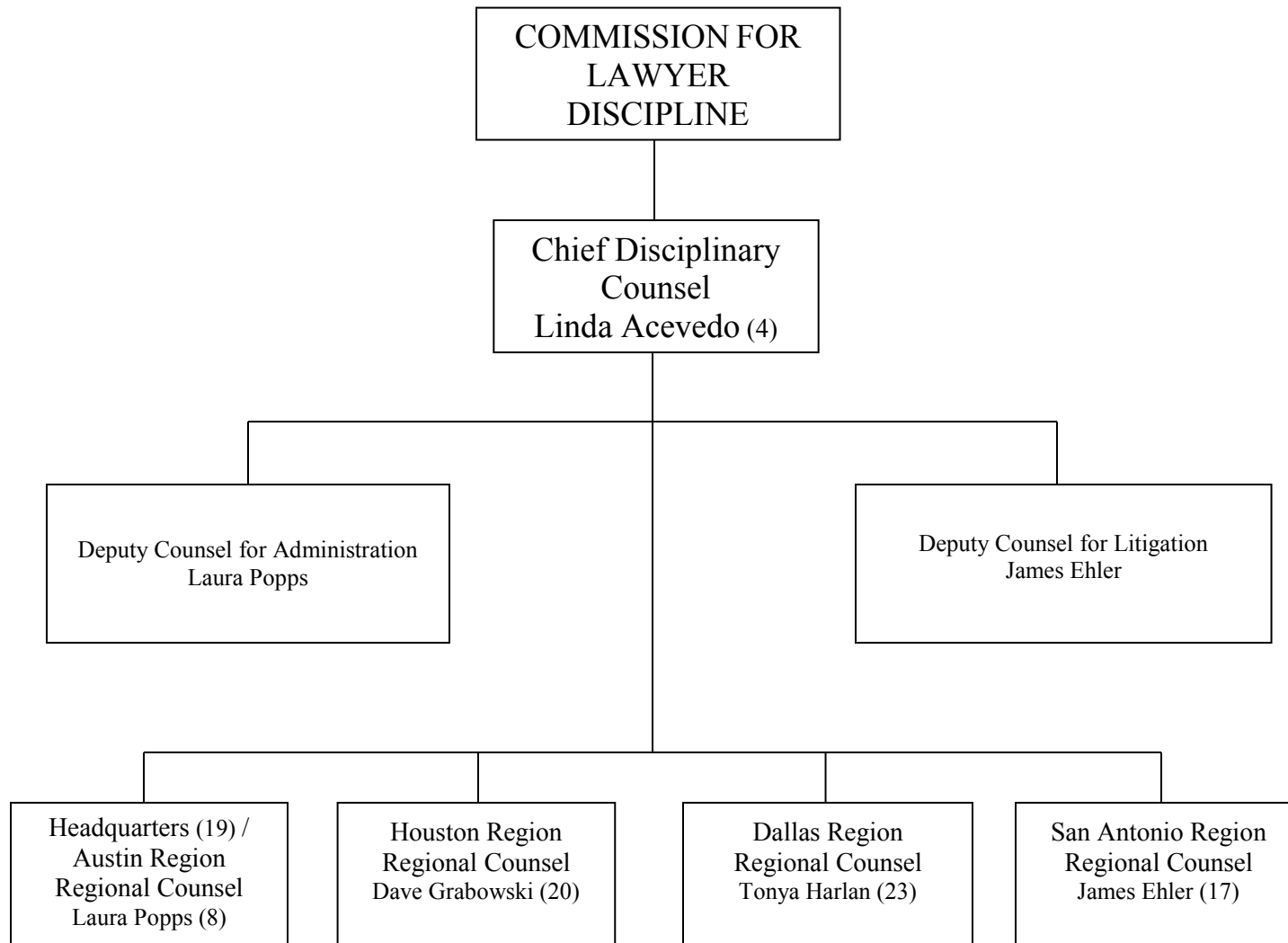
13. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.
 - STATE BAR OF TEXAS REGIONAL MAP OF GRIEVANCE COMMITTEE DISTRICTS.

Attachments Relating to Agency Performance Evaluation

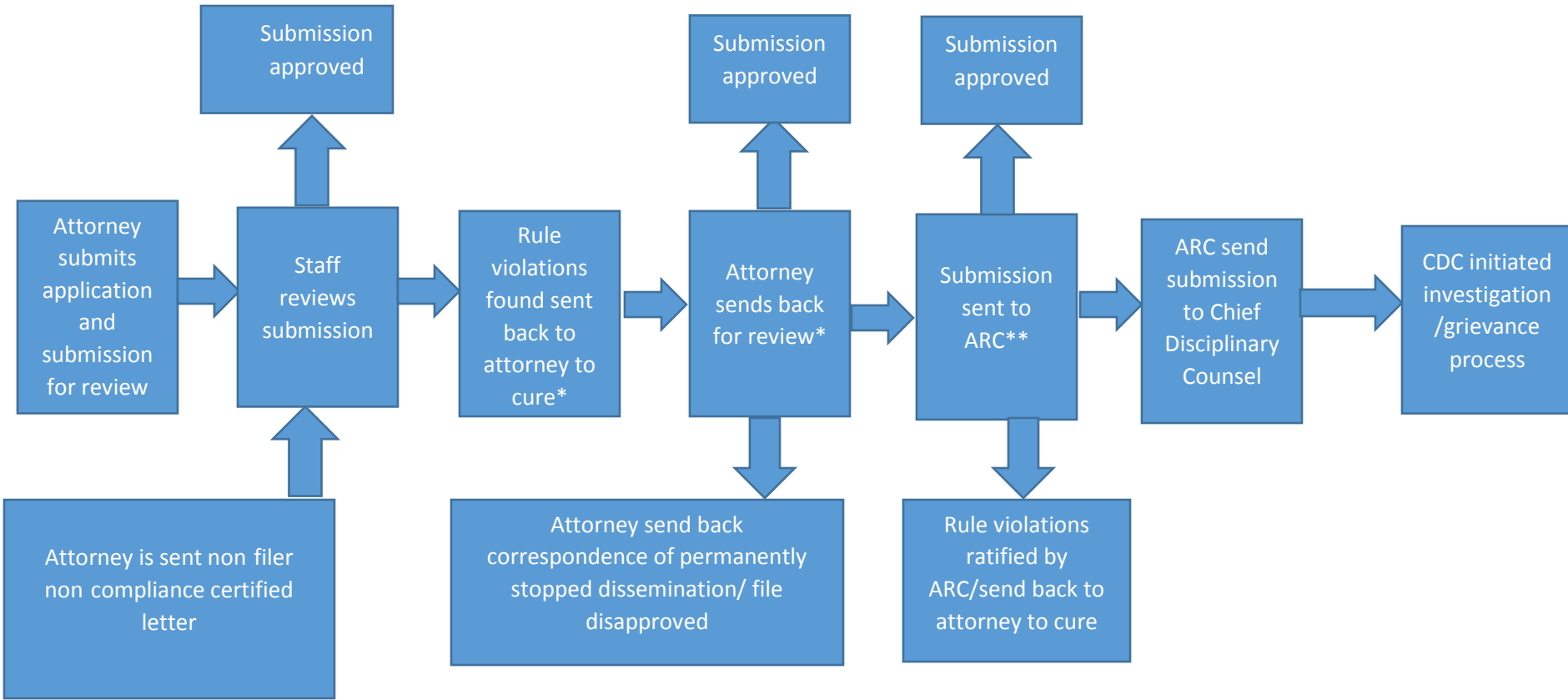
14. Quarterly performance reports completed by the agency in FY 2012–2015.
 - PERFORMANCE MEASURES 2011-2012
 - PERFORMANCE MEASURES 2012-2013
 - PERFORMANCE MEASURES 2013-2014
15. Any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.
 - 2012 GRIEVANCE OVERSIGHT COMMITTEE BIENNIAL REPORT
 - 2014 GRIEVANCE OVERSIGHT COMMITTEE BIENNIAL REPORT
16. Agency’s current internal audit plan.
 - STATE BAR OF TEXAS INTERNAL AUDIT PLAN 2015-2018.
17. Agency’s current strategic plan.
 - STATE BAR OF TEXAS STRATEGIC PLAN, FY2016&FY2017
18. Internal audit reports from FY 2011–2015 completed by or in progress at the agency.
 - STATE BAR OF TEXAS INTERNAL AUDIT ANNUAL REPORT – 2011
 - STATE BAR OF TEXAS INTERNAL AUDIT ANNUAL REPORT – 2012
 - STATE BAR OF TEXAS INTERNAL AUDIT ANNUAL REPORT – 2013
 - STATE BAR OF TEXAS INTERNAL AUDIT ANNUAL REPORT – 2014

19. List of State Auditor reports from FY 2011–2015 that relate to the agency or any of its functions.
 - NO STATE AUDITOR REPORTS RELATING TO THE STATE BAR OF TEXAS OR ANY OF ITS FUNCTIONS WERE COMPLETED IN FY 2011-2015.
20. Any customer service surveys conducted by or for your agency in FY 2014–2015.
 - **CAAP PROGRAM CALLER SURVEYS**
 - 2013-2014 SURVEY RESPONSES
 - 2014-2015 SURVEY RESPONSES
 - SURVEY
 - **DISCIPLINARY SYSTEM QUESTIONNAIRE**
 - SURVEY
 - **LAWYER REFERRAL & INFORMATION SERVICE (LRIS) CALLER SATISFACTION SURVEY**
 - SURVEY
 - **NEWS CLIPS SURVEY**
 - JUNE 2015 STATE BAR OF TEXAS DAILY NEWS CLIPS SURVEY
 - **TEXAS BAR JOURNAL READERSHIP SURVEY**
 - 2014 TEXAS BAR JOURNAL READERSHIP SURVEY



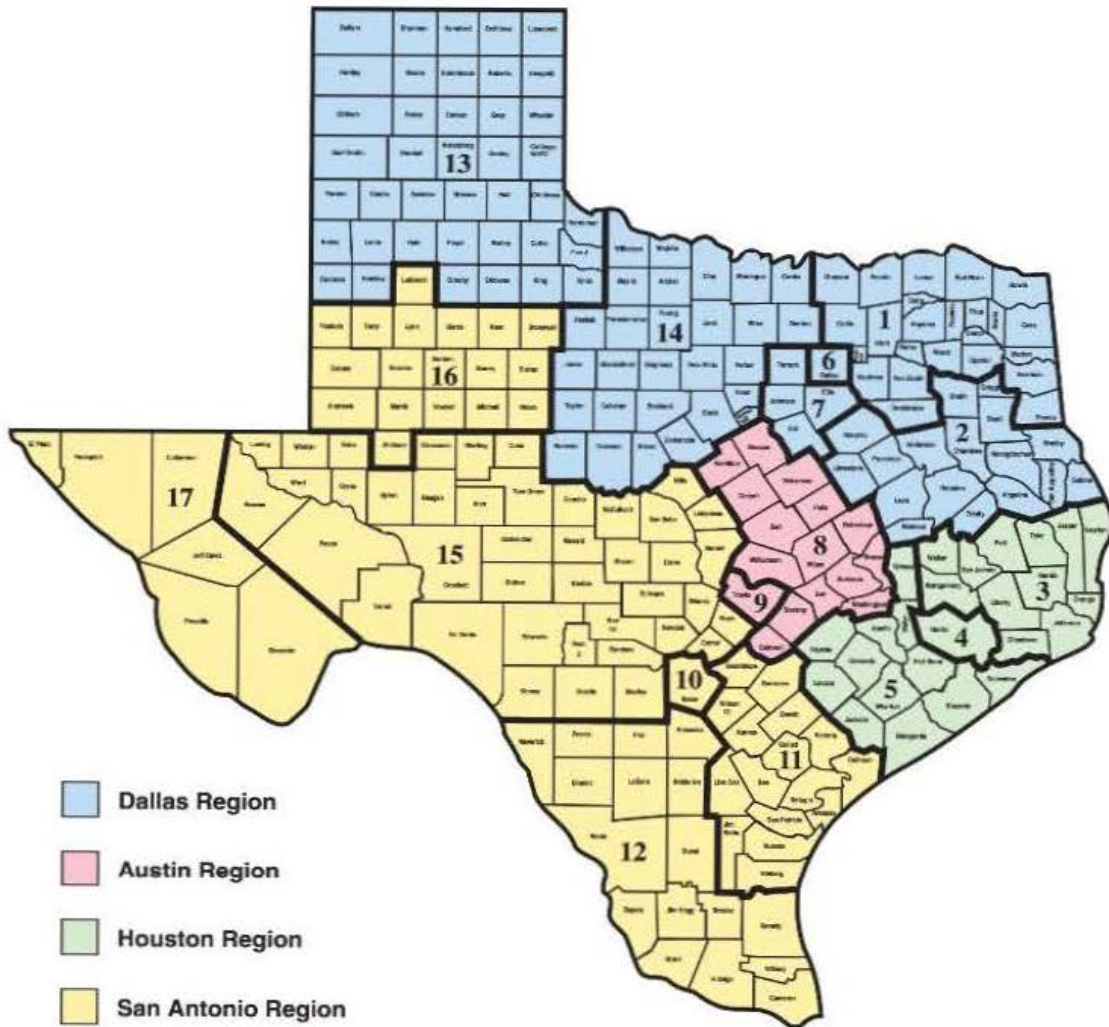


Advertising Review Application/ Non-Compliance Process

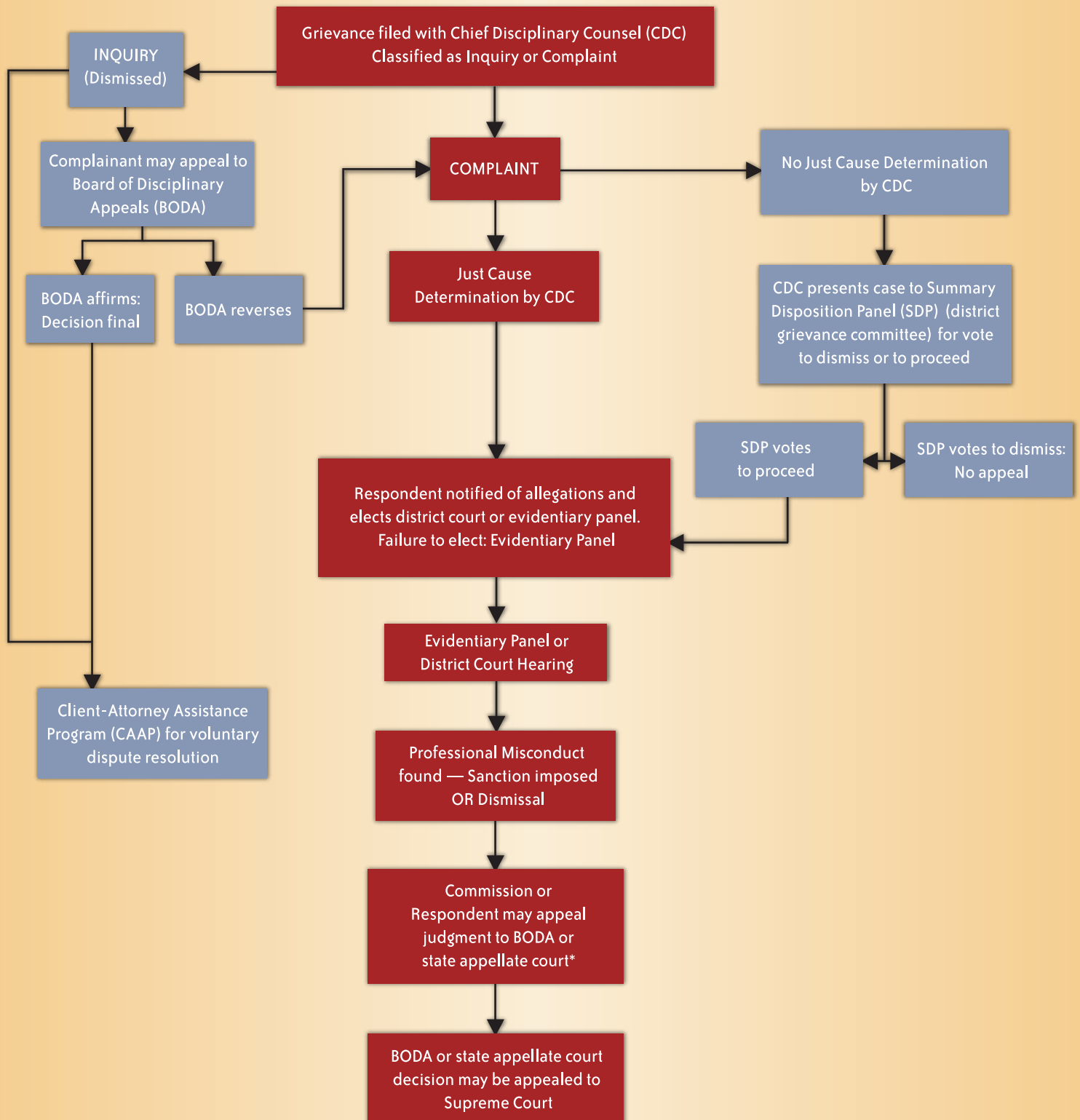


*This process can happen several times until compliance is reached.

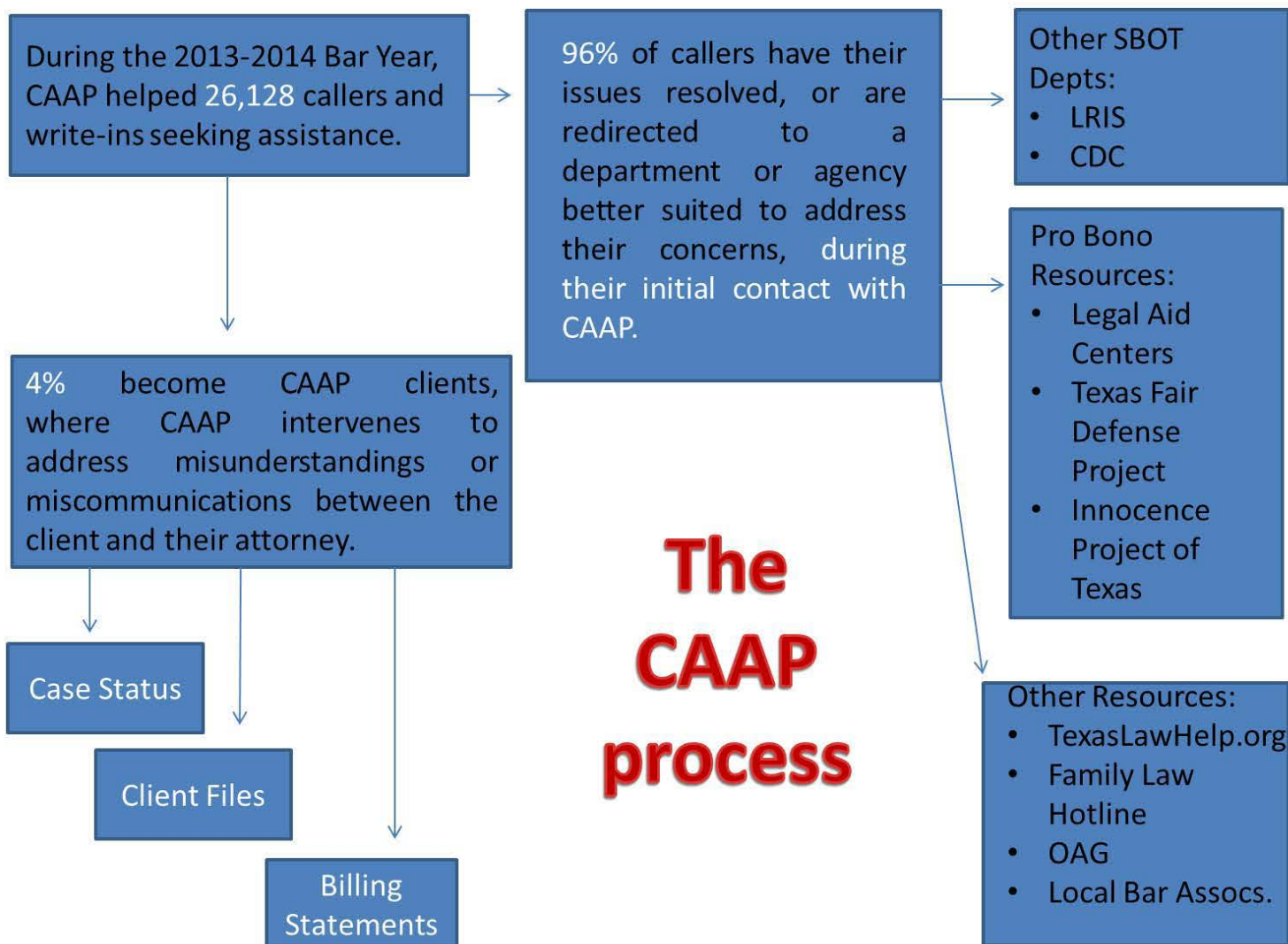
** Advertising Review Committee



— PROCESSING A GRIEVANCE —



*Evidentiary Judgments are appealed to BODA
District Court Judgments are appealed to state appellate court





CLIENT SECURITY FUND RULES

Approved and Adopted
January 2014
by the
BOARD OF DIRECTORS
STATE BAR OF TEXAS

Client Security Fund Rules

§ 3.08.02 Client Security Fund

(A) *Purpose.* The State Bar shall maintain and administer a Client Security Fund. The purpose of the Fund is to protect the integrity of the legal profession through discretionary grants to clients who have been harmed by their lawyers' dishonest conduct.

(B) *Administration of the Fund.* The Client Security Fund shall be administered through the Office of the Chief Disciplinary Counsel and the Client Security Fund Subcommittee ("the Subcommittee"). The Client Security Fund Subcommittee operates as a standing subcommittee of the Discipline & Client Attorney Assistance Committee.

(C) *Subcommittee Meetings.* Meetings of the Subcommittee may be held at a place and time fixed by the chair or the vice-chair or by the Subcommittee. The meetings may be in person or by any means of telephonic or electronic communication. Notice of the time and place of each meeting shall be given at least one day before the meeting and the notice may be given orally or by mail, facsimile, or telephone or other electronic communication, addressed to the member of the Subcommittee at the member's office or at such other place designated by the member. The Subcommittee shall have authority to adopt administrative rules for the prompt and efficient processing and resolution of applications, provided that those rules shall not be inconsistent herewith. A quorum of the members, consisting of at least 51% of the members, is necessary for action to be taken by the Subcommittee. Decisions will be made by a majority of the members present.

(D) *Funding of the Client Security Fund.*

(1) *Corpus.* The Client Security Fund corpus shall be maintained at an amount of not less than \$2,000,000. Any amount exceeding \$2,000,000 in the corpus may be withdrawn to fund grants.

(2) *Investment Portfolio.* The Executive Director shall establish a separate portfolio of investments to constitute the assets of the Client Security Fund.

(3) *Funding for Grants.* Funding sources include:

- (a) An appropriation of not less than \$300,000 made annually from the State Bar's general fund;
- (b) Interest earned on the corpus during the fiscal year;
- (c) Restitution and/or reimbursements to the Fund during the fiscal year;
- (d) Any funds deposited into the corpus through funds collected from outside sources; and

(e) Any funds deposited into the corpus from unused money available for grants.

(E) *Application Forms*

- (1) The Subcommittee shall prepare a form of application for grant.
- (2) The application shall be sworn and executed by the applicant under penalty of perjury and shall require, as minimum information, the following:
 - (a) The name and address of the lawyer;
 - (b) The amount of alleged loss;
 - (c) The date or period of time during which the alleged loss was incurred;
 - (d) The date on which the alleged loss was discovered;
 - (e) The name and address of the applicant;
 - (f) A general statement of facts relative to the application;
 - (g) A statement that the applicant has read these rules and agrees to be bound by them;
 - (h) A statement that the loss was not covered by any insurance, indemnity, or bond or, if so covered, the name and address of the insurance or bonding company, if known, and the extent of the coverage and the amount of payment, if any, made; and
 - (i) A statement that the applicant agrees that the result of the investigation together with all evidence in connection with it shall remain confidential.
- (3) The form or application shall contain the following statement in bold type:
“THE STATE BAR OF TEXAS HAS NO LEGAL RESPONSIBILITY FOR THE ACTS OF INDIVIDUAL LAWYERS. NO ONE HAS A RIGHT TO A GRANT FROM THE CLIENT SECURITY FUND. AVAILABLE AMOUNTS ARE LIMITED, AND GRANTS ARE MADE ONLY IN THE SOLE AND FINAL DISCRETION OF THE STATE BAR OF TEXAS.”

(F) *Publication of Application Process.* The Office of the Chief Disciplinary Counsel shall publish the rules and procedures governing the Client Security Fund to the chair of each grievance committee, along with application forms and brochures.

(G) *Rules and Procedures.* These rules shall govern proceedings conducted on applications for grant from the Client Security Fund of the State Bar. These rules shall be applied in such a manner to achieve the objective of protecting the integrity of the legal profession. Accordingly, the Subcommittee may, in its sole and absolute discretion, and in cases of extreme hardship or special and unusual circumstances, authorize payment of a grant that would otherwise be excluded by technical adherence to these rules. These rules will become effective immediately upon Board approval and shall apply to all pending applications.

RULE 1. Eligibility for Application—General Rule.

(A) The claimant must thoroughly complete the application for grant form approved by the Subcommittee and sign it under penalty of perjury.

(B) Failure by an applicant to keep the Subcommittee apprised of his or her current address and telephone number is grounds for denial, rescission of approval, or rejection of the application.

(C) The information provided in the application shall be either typewritten or printed. If not legible, it shall be returned to the applicant.

(D) In order to prove eligibility, an applicant must prove:

(1) That one's lawyer engaged in dishonest conduct (as further defined in *Rule 2* and *Rule 3*);

(2) That he or she was a client of that lawyer (as further defined and limited in *Rule 4*);

(3) That the lawyer gained possession and control of the client's money or property (as further defined and limited in *Rule 5*);

(4) That he or she sustained a loss of money or property as a result of the dishonest conduct (as further defined and limited in *Rule 5*);

(5) That he or she participates in the grievance process when required (as set forth in *Rule 6*); and

(6) Timely filing of an application for grant (as defined in *Rule 7*.)

RULE 2. Eligibility for Application—Dishonest Conduct by Lawyer

(A) The term "dishonest conduct" as used herein means wrongful acts committed by a lawyer in the manner of defalcation or embezzlement of money, or the wrongful taking or conversion of money or property including those instances where an advance fee was not refunded when the contracted-for services were not rendered.

(B) If a lawyer accepts a fee while disciplinarily suspended or disbarred, the lawyer may be deemed to have done so with no intent to render the services sought.

(C) The dishonest conduct must have occurred in Texas.

RULE 3. Eligibility for Application—Status of Lawyer.

(A) In order to be eligible for an application for grant, the client’s loss must have been caused by dishonest conduct of a person:

(1) acting as a lawyer;

(2) acting in a fiduciary capacity customary to the practice of law (such as acting as an administrator, executor or trustee in a probate, guardianship or conservatorship proceeding or pursuant to an express trust agreement, but not including holding funds primarily for investment purposes); or

(3) acting as an escrow holder or other fiduciary, having been designated as such by a client or having been so appointed or selected as a result of a client-attorney relationship in the matter in which the loss arose.

(B) The term “lawyer” as used herein means any person licensed to practice law in the State of Texas, including persons who have been suspended or disbarred from the practice of law.

(C) Dishonest conduct by persons supervised or paid by the lawyer in the course of his practice of law, or those whom the lawyer should have been aware were conducting business on his behalf may, in the discretion of the Subcommittee, form the basis for a grant from the Fund.

RULE 4. Eligibility for Application—Status as a Client

(A) No person may be eligible for consideration of an application for grant unless sufficient proof demonstrates the existence of an attorney-client relationship between the applicant and the lawyer.

(B) A “client” is a person, public officer, or corporation, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from that lawyer.

(C) For the purposes of the application and grant from the Fund, a client may also include a person who paid or tendered money on behalf of the client.

(D) The following persons and entities are not eligible for application consideration:

- (1) the spouse or other close relative, partner, associate, employer, or employee of the lawyer;
- (2) an insurer, surety, or bonding agency or company;
- (3) any business entity controlled by the lawyer;
- (4) any business entity controlled by any person or entity described in paragraphs (i) or (ii);
- (5) a governmental entity or agency;
- (6) any assignee of a client's claim, cause of action or settlement proceeds; or
- (7) any provider of services to a client through letters of protection or guarantee.

RULE 5. Eligibility for Application—Grants for Certain Losses

(A) A client may seek a grant only for money or property that actually came into the possession or control of the lawyer.

(B) The applicant must produce sufficient evidence to support allegations of such a loss.

(C) A client may not obtain a grant under the Fund for losses attributed to:

- (1) Disputes with a lawyer about the quality of services performed;
- (2) Disputes regarding the amount charged for services actually performed;
- (3) Consequential damages resulting from dishonest conduct or malpractice;
- (4) Any loss, or reimbursable portion thereof, covered by any insurance or by any fidelity or similar bond or fund, whether of the lawyer, the applicant or otherwise.
- (5) Any loss already recovered by the client through restitution or reimbursement from the lawyer or on the lawyer's behalf; or
- (6) Any loss already satisfied through payment of a civil or criminal judgment entered against the lawyer.

(D) If a client is required to file a grievance pursuant to *Rule 6(b)*, no grant may be obtained under the Fund if the final grievance process results in:

- (1) a dismissal of charges or

(2) conclusions of law related only to violations for non-communication, failure to respond to the grievance committee or practicing while administratively suspended.

RULE 6. Eligibility for Application—Grievance Process

(A) Unless paragraph (b) applies, the applicant must first file a grievance against the lawyer and cooperate in all grievance proceedings by the Bar against the lawyer as a prerequisite to the application for grant.

(B) An applicant is not required to file a grievance against the lawyer as a condition precedent to filing an application if the lawyer:

- (1) is deceased,
- (2) has already been disbarred by the State Bar of Texas,
- (3) has been adjudicated as mentally incompetent, or
- (4) has resigned in lieu of discipline.

RULE 7. Eligibility for Application—Timely Filing of Application

(A) All applicants must file a timely application for grant with the Office of the Chief Disciplinary Counsel in Austin, Texas.

(B) When an applicant is required to file a grievance against the lawyer as set forth in *Rule 6(a)*, an application is considered timely if it is filed within 18 months after the final disciplinary judgment is rendered on that grievance.

(C) When an applicant is not required to file a grievance as set forth in *Rule 6(a)*, in no case shall a grant from the Fund be approved when it is filed longer than four years from the time the loss was discovered or should have been discovered.

(D) Failure to file a timely application for grant shall result in dismissal and rejection of the application unless the Subcommittee finds good cause for the late filing. The Subcommittee has the sole and final discretion to consider whether good cause exists for an applicant filing a late application for grant.

RULE 8. Investigation by the Subcommittee.

(A) On receipt of a sworn application, the Subcommittee shall conduct such investigation and hold such hearings as it determines necessary to establish all relevant facts in connection with the application. The Subcommittee may delegate its investigative duties to one or more staff persons employed by the Chief Disciplinary Counsel.

(B) The applicant must cooperate during the investigative process and with all persons delegated to perform investigative duties. If the applicant fails to submit proof, or does not meet any of the eligibility requirements in *Rules 1-7*, the application may be rejected and/or returned to the applicant at any time.

RULE 9. Evidence and Burden of Proof.

(A) The applicant bears the burden of proof on all issues of fact. All facts must be established by a preponderance of the evidence.

(B) Proceedings on applications need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common-law or statutory rule that might make improper the admission of the evidence over objection in civil actions.

RULE 10. Consideration by the Subcommittee.

(A) In investigating an application for grant, the Subcommittee may consider, among other things:

- (1) the negligence, if any, of the client that contributed to the loss;
- (2) the comparative hardship of the client suffered by the loss;
- (3) the total amount of reimbursable losses of the clients of any one lawyer or association of lawyers;
- (4) the total amount of grants made in previous years for which total funding has not been made and the total assets of the fund;
- (5) the total amount of insurance or other source of funds available to compensate the client for the loss occasioned by the dishonest conduct of the lawyer;
- (6) the amount of restitution ordered in the disciplinary judgment, and when the restitution is ordered to be paid. In general, if restitution is ordered to be paid in the short-term, the Subcommittee may defer making an award to give the respondent the opportunity to satisfy the judgment. If restitution is ordered to be

paid by a date further in the future or by no date certain, the Subcommittee may approve a grant from the Fund.

(7) the findings of fact and conclusions of law in the disciplinary judgment; and

(8) any other factual information that the subcommittee considers to be relevant.

(B) When the filing of a grievance is required, the Subcommittee will not investigate the application until final action has been taken on the grievance except as provided in *Rule 10(C)*.

(C) If a lawyer is under a disability suspension or cannot be served with process in the disciplinary proceeding, the Subcommittee may, in its discretion, review the application and approve or deny it.

RULE 11. Action by the Subcommittee.

(A) The Subcommittee has the sole and final discretion to determine whether and to what extent any application for grant shall be approved and shall determine the order, manner (which may be in installments), and amount of any grant payments, subject to the limitation in *Rule 13*.

(B) Before the Subcommittee recommends a grant from the Client Security Fund, it must find that sufficient evidence establishes the claimant's eligibility and the extent of the loss.

(C) The Subcommittee, in its sole and final discretion, may require the exhaustion of some or all civil remedies before processing or approving applications for grant. The Subcommittee may require that an applicant prosecute or cooperate in appropriate civil proceedings against the accused lawyer as a prerequisite to approving a grant from the Fund. The Subcommittee may postpone consideration of any application until after any disciplinary action or court proceedings pending or contemplated have been completed.

RULE 12. Confidential Nature of Proceedings and Records.

(A) The Subcommittee, during consideration of an application, may have access to any State Bar disciplinary files and records pertaining to the alleged loss. Any information or documents obtained by the Subcommittee from those files or records shall be used solely for the purpose of determining the validity of the application but otherwise shall constitute confidential information. No information concerning them and the matters to which they relate shall be subject to discovery, except such information may be disclosed as may be required by the Texas Disciplinary Rules of Professional Conduct or other applicable law.

(B) The files and records pertaining to all applications for grant from the Fund and all investigations or proceedings conducted in connection with them are the property of the

State Bar and are confidential. No information concerning them and the matters to which they relate shall be given to any person except on order of the Board, as provided herein or as may be required by any other applicable law.

(C) The proceedings conducted before the Subcommittee shall not be public.

RULE 13. Maximum Reimbursement Limits.

Regardless of the amount of the loss proven in the application for grant, no application shall be approved for a grant in excess of \$40,000 for losses to any one applicant arising out of the dishonest conduct. Multiple applicants having losses arising out of the same transaction may be considered by the Subcommittee to constitute one loss subject to the \$40,000 cap on grants.

RULE 14. Grants at Sole and Final Discretion of State Bar.

(A) All grants from the Fund are made only in the sole and final discretion of the Subcommittee.

(B) No liability to the Subcommittee, its members, or its staff shall result from any decisions of the Subcommittee, its members, or its staff.

RULE 15. Request for Reconsideration

(A) If an applicant is dissatisfied with the grant or denial of their application by the Subcommittee, he or she may request reconsideration.

(B) To request reconsideration, the applicant must give written notice of his request within 30 days after receiving notice of the grant approval or denial.

(C) The Subcommittee has sole and final discretion to consider or reject the request for reconsideration. The applicant has no right of appeal.

RULE 16. Rejection of the Application by the Subcommittee.

(A) Whenever a majority of the members of the Subcommittee present at the meeting at which the application is considered determines that sufficient evidence has not been presented to establish eligibility, that determination shall constitute rejection of the application.

(B) After an application has been rejected, the Subcommittee or delegated persons with the Office of the Chief Disciplinary Counsel shall advise the applicant of the rejection in writing at the applicant's last known address as listed in the application.

RULE 17. Assignment of Applicant's Rights, Subrogation and Reimbursement Required.

(A) *Assignments of Rights.* Grants on approved applications shall be made from the Client Security Fund only if the applicant assigns to the State Bar the applicant's rights against the lawyer involved or the lawyer's personal representative, estate, or assigns.

(B) *Subrogation.* The collection of the assignment shall be handled by the office of the Chief Disciplinary Counsel of the State Bar under the supervision of the Subcommittee or in such other manner as may be directed by the Subcommittee. To effect collection of assignment, the Chief Disciplinary Counsel may disclose any information concerning the application and its consideration by the State Bar that the Chief Disciplinary Counsel deems necessary. On commencement of any action by the State Bar, pursuant to its subrogation rights, it shall give written notice thereof to the applicant at the applicant's last known address as listed in the application.

(C) *Reimbursement to the Fund.* The applicant must also agree that if money paid to the applicant from the Fund is repaid by the lawyer or on the lawyer's behalf, then the applicant shall reimburse the amount of that grant to the Fund up to and including the full amount paid to the applicant from the Fund. The State Bar shall have the right to recover the full amount paid to the applicant out of the Fund from any liable person, firm, or corporation and take such legal action as it deems necessary. The applicant may only receive a part or portion of any recovery made by the State Bar after the State Bar has made a full recovery of the amount paid to the applicant by the Fund and attorneys' fees incurred by the State Bar in recovering the amount.

RULE 18. No Attorney's Fees Allowed. Except as provided in *Rule 17*, no attorney shall charge, attempt to collect, or collect any fee, retainer, or contingent fee for the preparation, filing, negotiation, recovery, or any other act done or which may be done in connection with an application for grant before the Client Security Fund of the State Bar, whether the application is denied or approved for grant.

RULE 19. Applicant's Failure to Claim Grant.

(A) Should the applicant not claim the grant within six months of the date of the approval by the Subcommittee of the grant, the grant shall revert to the Client Security Fund.

(B) In the event the grant reverts to the Fund as set forth in paragraph (A) above, the applicant may reapply to the Office of Chief Disciplinary Counsel. The applicant must show good cause for failing to claim the award. The Subcommittee has sole and final discretion to approve the grant or reject the grant at that time.

Accreditation Standards for CLE Activities

Pursuant to the authority granted to the Committee on Minimum Continuing Legal Education (hereinafter “the Committee”) by the Supreme Court of Texas, these accreditation criteria are hereby adopted by the Committee to be used as guidance for determining whether CLE activities submitted for MCLE accreditation satisfy the general standards for accreditation specified in Section 4(A) of Article XII, State Bar Rules.

(Note: Endnote numbers correspond to the Definitions section, following)

- I. A CLE activity shall be accredited for MCLE in Texas if it meets any of the criteria in A-C below as well as the criteria outlined in Section II.
 - A. The activity is a live presentation and attended in person, including seminars, courses, conferences, lectures, panel discussions, question-and-answer periods, and in-house education;
 - B. The activity is a live or recorded presentation provided in a streaming or real time format (not downloadable) including teleconferences, webcasts, satellite broadcasts or attendance by such other means as may be approved by the Committee; or
 - C. The activity is recorded from a live accredited CLE activity, presented in any format, such as CDs and video recordings, as well as any downloadable format such as podcasts.

- II. A CLE activity shall be accredited for MCLE in Texas if it meets the criteria of either A or B below, and also each of the other criteria of C, D and E below:
 - A. The Activity consists of an organized program of legal education dealing with:
 - (1.) substantive or procedural subjects of law;
 - (2.) legal skills and techniques¹;
 - (3.) legal ethics² and/or legal professional responsibility³; or
 - (4.) law practice management⁴;
 - B. The activity consists of an organized program dealing with alternative dispute resolution⁵.
 - C. The activity may include coverage of technical, scientific or other bodies of knowledge that are directly related to any of the subjects listed in II A above.
 - D. The instructors or lecturers are either qualified attorneys or judges, or they are experts in the subject area based on their education and background.
 - E. The activity is designed for, and targeted to attorneys.

THE EFFECTIVE DATE FOR THIS SET OF ACCREDITATION STANDARDS IS April 25, 2012

- III. A CLE activity shall NOT be accredited for MCLE in Texas if it is:
- A. A meeting of a bar association, committee, section or other entity composed of attorneys, that is designed primarily to be a general business meeting or work session as opposed to a CLE activity, or
 - B. An activity that is designed or intended to market a product or service to lawyers, or
 - C. An activity that is designed or intended primarily to attract clients, or
 - D. An activity that teaches non-legal skills such as the general use of hardware, software, office equipment, or general communication skills such as public speaking, individual money management or investing, career building, rainmaking, marketing or social media networking skills, supervisory or general office management skills.
 - E. An activity that consists of written materials only in printed or in electronic format, such as written materials for accredited and/or non accredited CLE activities, legal articles, legal journals, case summaries, audio books and text only online courses.
 - F. A legal article, newsletter, blog or other written product that is published by the authoring attorney, his or her law firm or other employer or that is not subject to peer review.

DEFINITIONS

¹ **“Legal Skills and Techniques”** may include training in the use of legal-specific software such as time and billing, legal research and e-filing systems, legal applications of non-legal software or hardware and legal communication skills including legal writing and trial presentation skills.

² **“Legal Ethics”** shall include programs that deal with usages and customs among members of the legal profession, involving their legal and professional duties toward one another, toward clients, and toward the courts.

³ **“Legal Professional Responsibility”** shall include programs that deal with maintaining the integrity and competence of the Bar so that legal services are delivered with the highest degree of professional conduct.

“Legal Ethics and Legal Professional Responsibility” shall include, but not be limited to the accreditation of those topics involving disciplinary rules of professional conduct, rules of disciplinary procedure, and the use and availability of alternative dispute resolution and pro-bono services.

“Legal Professional Responsibility” shall also include training in skills and concepts that promote and/or assist lawyers in the delivery of high quality legal services to clients such as managing risk and grievance/malpractice avoidance, effective and ethical client and case management, and trust account management.

“Legal Ethics and Legal Professional Responsibility” shall not include programs or topics that deal with government or business ethics, individual religious or moral responsibilities, training in personal organizational skills, general office skills, time management, leadership skills or stress management.

⁴ **“Law Practice Management”** shall include non-substantive topics and courses of study that are developed specifically for lawyers and that deal with means and methods for enhancing quality and efficiency of service to clients. Examples of such programs shall include delivering legal services, developing the legal team, building attorney/client relationships, information, document and financial management in your law practice.

⁵ **“Alternative Dispute Resolution”** or “ADR” shall include programs offering substantive training in the processes and ethical considerations attendant to the resolution of pending disputes by mediation, arbitration, moderated settlement conference, early neutral evaluation, mini-trial, summary jury trial or other related litigation dispute resolution procedures. ADR includes training in the skills of a mediator, arbitrator, or a neutral in the moderated settlement conference, early neutral evaluation, mini-trial, summary jury trial, or other related litigation dispute resolution procedure. The following elements and guidelines shall be considered in determining accreditation for an ADR program: (1) training in substantive legal knowledge/concepts (e.g., statutes, court process); (2) the activity consists of actual classroom participation; (3) procedural instruction; (4) instruction in the mediator’s and/or parties’ role and maintenance of decorum; (5) discussion and instruction in ethical considerations (e.g. confidentiality issues, conflicts, offers, etc.); and (6) instruction on client preparation. Observation of actual mediations outside the classroom will not be approved for credit. Other areas not specifically designated above will be considered for credit in accordance with existing MCLE standards and within the context of the entire program presented for accreditation.

Revised April 2012

THE EFFECTIVE DATE FOR THIS SET OF ACCREDITATION STANDARDS IS April 25, 2012

TEXAS
MINIMUM CONTINUING LEGAL EDUCATION RULES
(Article XII, State Bar Rules)

Section 1. Purpose

The purpose of minimum continuing legal education requirements is to ensure that every active member of the State Bar of Texas pursues a plan of continuing legal education throughout his or her career in order to remain current on the law in our rapidly changing society.

Section 2. Definitions

- (A) "MCLE" means Minimum Continuing Legal Education.
- (B) "Committee" means the Committee on Minimum Continuing Legal Education.
- (C) "Committee member" is a member of the Committee on Minimum Continuing Legal Education.
- (D) "MCLE Department" means the departmental staff of the State Bar of Texas with the responsibility of administering all aspects of the MCLE program as determined by this Article and any regulations established pursuant hereto.
- (E) "The Director" means the Director of the MCLE Department of the State Bar of Texas.
- (F) "Continuing legal education activity" means any organized legal educational activity accredited by the Committee.
- (G) "CLE Credit Hours" means the actual amount of instruction time for an accredited continuing legal education activity expressed in terms of hours rounded to the nearest

one-quarter hour. The number of CLE credit hours shall be based on sixty (60) minutes of instruction per hour, unless otherwise specified herein.

- (H) "Self-study" includes individual viewing or listening to audio, video, or digital media, reading written material, or attending organized in-office educational programs, or such other activities as may be approved by the Committee.
- (I) "Accredited sponsor" means any provider who receives presumptive approval of the Committee to conduct continuing legal education activities that satisfy the requirements of this Article.
- (J) "Accredited CLE Activity" means any CLE activity that receives MCLE accreditation under the MCLE Rules, Regulations, and accreditation criteria adopted by the MCLE Committee.
- (K) "MCLE compliance record" means the official record of a member's CLE credit hours earned during any MCLE compliance year that shall be maintained by the MCLE Department and used to verify a member's compliance with the MCLE requirements. It shall be the responsibility of each member to ensure that his/her MCLE compliance record is accurate and complete.
- (L) "MCLE compliance year" means the twelve (12) month period that begins each year on the first day of an attorney's birth month and ends on the last date of the month that immediately precedes the attorney's birth month in the following year.
- (M) "MCLE reporting month" means the birth month during which the attorney is required to show completion of CLE requirements. If an extension has been granted in accordance with the Article (Section 9), the reporting month shall mean the month immediately following the last date of the extension and shall replace the birth month for that current compliance year.

- (N) "MCLE Annual Verification Report" means the written report containing a listing of all CLE credit hours recorded in a member's MCLE compliance record for an MCLE compliance year. This report shall be furnished to each member annually by the MCLE Department.
- (O) "Preferred Address" means the member's physical address, post office box, E-mail address or other address, that is on file with the State Bar of Texas Membership department and that is designated as the member's preferred address for receiving written notifications.
- (P) "Secondary Address" means any or all of the member's physical addresses, post office boxes, E-mail addresses, or other addresses on file with the State Bar of Texas Membership department and that are not designated as the member's preferred address for receiving written notifications.

Section 3. Committee on Minimum Continuing Legal Education

- (A) There is hereby established the Committee which shall be composed of twelve (12) members. Nine (9) of the members shall be residents of this State who are active members of the State Bar, at least two (2) of whom shall be under the age of thirty-six (36) years as of June 1 of the year being appointed. Of the nine (9) attorney members, not more than two (2) shall be judges. The remaining three (3) members of the Committee shall be residents of this State who are not attorneys. The President-Elect, with the approval of the Board, shall appoint any Committee members whose term will begin at the beginning of the bar year during which he or she will be President. Should a vacancy on the Committee occur during the bar year, the President, with the approval of the Board, shall appoint a successor to fill the unexpired term. Each member of the Committee shall continue to serve until his or her successor is appointed and qualified. The President-Elect shall designate one (1) of the attorney members of the Committee to serve as chairperson during his or her term as President. The Board may remove a

member of the Committee for good cause. No Committee member shall be appointed for more than two (2) terms. Committee members shall serve without compensation, but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their official duties.

- (B) The State Bar shall employ such staff as may be necessary to perform the record keeping, auditing, reporting, accreditation, and other functions required by these rules.
- (C) The Committee, subject to these rules and such regulations as it may propose and may be adopted by the Board, shall administer the program of minimum continuing legal education established by this Article. It may propose regulations and prepare forms not inconsistent with this Article pertaining to its function and modify or amend the same from time to time. All such regulations, forms, modifications or amendments shall be submitted to the Board for approval and, upon such approval, shall be published in the Texas Bar Journal.

Section 4. Accreditation

- (A) The Committee shall develop criteria for the accreditation of continuing legal education activities and shall designate the number of hours to be earned by participation in such activities, as approved by the Committee. In order for an activity to be accredited, the subject matter must directly relate to legal subjects and the legal profession, including professional responsibility, legal ethics, or law practice management. The Committee may, in appropriate cases, extend accreditation to qualified activities that have already occurred. The Committee shall not extend credit to activities completed in the ordinary course of the practice of law, in the performance of regular employment, as a volunteer service to clients or the general public, as a volunteer service to government entities, or in a member's regular duties on a committee, section or division of any bar related organization. The Committee may extend accredited status, subject to periodic review, to a qualified sponsor for its overall continuing legal education curriculum. No examinations shall be required.

- (B) Self-study credit may be given for individual viewing or listening to audio, video, or digital media, reading written material, attending organized in-office educational programs or such other activities as may be approved by the Committee. No more than five (5) hours of credit may be given during any compliance year for self-study activities. Time spent viewing or listening to audio, video or digital media as an organized CLE activity approved by the Committee counts as conventional continuing legal education and is not subject to the self-study limitation.
- (C) Credit may be earned through teaching or participating in an accredited CLE activity. Credit shall be granted for preparation time and presentation time, including preparation credit for repeated presentations.
- (D) Credit may be earned through legal research-based writing upon application to the Committee provided the activity (1) produced material published or to be published in the form of an article, chapter, or book written, in whole or in part, by the applicant; (2) contributed substantially to the continuing legal education of the applicant and other attorneys; and (3) is not done in the ordinary course of the practice of law, the performance of regular employment, or as a service to clients.
- (E) The Committee may, in appropriate cases charge a reasonable fee to the sponsor for accrediting CLE activities.
- (F) A member who holds a full-time faculty position in any law school which is approved by the American Bar Association may be credited as fulfilling the requirements of this article, except as to the minimum requirements for CLE in legal ethics and professional responsibility. A member who holds a part-time faculty position in any such law school may claim participatory credit for the actual hours of class instruction time not to exceed twelve (12) hours per compliance year, except as to the minimum requirements for CLE in legal ethics and professional responsibility.

- (G) Credit to meet the minimum educational requirement shall be extended to attorneys who are members of the Senate and House of Representatives of present and future United States and Texas Legislatures for each regular session in which the attorney member shall serve.
- (H) No credit shall be given for activities directed primarily to persons preparing for admission to practice law.
- (I) Credit, not to exceed thirty 30 hours in any compliance year, may be earned for attending a law school class after admission to practice in Texas provided (1) that the member officially registered for the class with the law school; and (2) that the member completed the course as required by the terms of registration. Credit for approved attendance at law school classes shall be for the actual number of hours of class instruction time the member is in attendance at the law school course.

Section 5. Compliance Year

- (A) Each member's compliance year shall begin on the first day of the month in which his or her birthday occurs.
- (B) The initial compliance year for each member shall be the 24-month period that begins on the first birth month following the date of admission.

Section 6. Minimum Educational Requirements

- (A) Every member shall complete fifteen (15) hours of continuing legal education during each compliance year as provided by this article. No more than five (5) credit hours may be given for completion of self-study activities during any compliance year.

- (B) At least three (3) hours of the fifteen (15) hours shall be devoted to legal ethics/professional responsibility subjects. One (1) of the three (3) legal ethics/professional responsibility hours may be completed through self-study.
- (C) All persons admitted, and any person who has been suspended, disbarred, or who has resigned pursuant to Article X of the State Bar Rules, or who has resigned pursuant to Article III of the State Bar Rules, or who has been suspended pursuant to Section 8 of this Article, or who has taken inactive status pursuant to Section 81.052, Texas Government Code, and who desires to return to active status shall be required, in addition to such other requirements as the State Bar Rules may contain, to comply with the requirements of Section 6(A) and 6(B) hereof.
- (D) Accredited continuing legal education and self-study completed within a 12-month period immediately preceding a member's initial compliance year may be used to meet the educational requirement for the initial compliance year. Exception: Credit for the educational activity entitled "The Guide to the Basics of Law Practice," sponsored by the Texas Center for Legal Ethics and Professionalism, completed anytime during the third year of law school or during the initial compliance year, may be used toward meeting the educational requirements for the initial compliance year.
- (E) Accredited continuing legal education and self-study completed during any compliance year in excess of the minimum fifteen (15) hour requirement for such period will be applied to the following compliance year's requirement. This carryover provision applies to one (1) year only.

Section 7. Credit Computation

- (A) Credit for attending accredited continuing legal education activities shall be based on net actual instruction time, which may include organized lecture, panel discussion, audio, video, and digital media presentations and organized question-and-answer periods. Sponsors are encouraged to calculate the number of hours of credit that should be given

for any activity offered, using the above guide, and indicate the number on the activity brochure. Fractional hours should be stated as decimals.

- (B) Credit for viewing or listening to audio, video, or digital media shall be based on the running time of the recordings.
- (C) Credit for reading approved material or attending in-office educational programs shall be based on actual time spent.

Section 8. Compliance

- (A) Two months prior to the end of the MCLE compliance year, the Director shall send an MCLE Annual Verification Report to each member's Preferred Address for who said MCLE compliance year applies. Upon receipt of the MCLE Annual Verification Report, the member shall review the report for accuracy and completeness. If the report accurately reflects the member's MCLE compliance record for the current MCLE compliance year, and if it shows that the minimum CLE credit hours requirements have been met, then no additional action is required by the member. If the Report does not accurately and completely reflect a member's CLE credits, then the member shall correct his or her record according to the instructions on the Report. To avoid fines and/or suspension, all CLE credit hours, corrections and additions to the MCLE record shall be completed, filed and received by the MCLE Director on or before the end of the compliance year.
- (B) On or about the first day of the birth month, the Director shall make available to the member, a report of amendments that have been made to the MCLE record for the compliance year that ended immediately prior to said birth month.

The Director shall also notify any member who has not completed MCLE requirements for the compliance year that ended immediately prior to said birth month. A member, who has not completed his or her CLE requirements by the first day of the birth month,

will receive an automatic grace period through the last day of the birth month to complete and report any remaining CLE credits. Members shall not be fined or penalized for completing and reporting CLE credits by the last day of the birth month (grace period).

- (C) On or about the twelfth (12th) day of the month immediately following a member's birth month, the Director shall notify all members who are in non-compliance for the MCLE compliance year just ended to advise such members of their non-compliance status. Such notice shall be in the form of a written notice, and sent to each member at the Preferred Address and via one (1) Secondary Address (if any) that is then on file with the Membership Department of the State Bar.
- (D) On or about the first (1st) day of the third month immediately following a member's birth month, the Director shall send final notice to any member who has not cured their non-compliance status. Such notice shall be in the form of a written notice, and sent to each member at the Preferred Address and via one (1) Secondary Address (if any) that is then on file with the Membership Department of the State Bar.
- (E) If by the last business day of the fourth month following the birth month (or reporting month if the member has been granted an extension in accordance with this article for completion of CLE requirements) the member has still not cured his or her non-compliance, the member shall be automatically suspended from the practice of law in Texas as directed by Order of the Supreme Court dated December 23, 2002.
- (F) Upon the execution of suspension, the Director shall cause to be sent a written notification to each member who is suspended from practice by the order. Said notification shall be sent to each member at his or her Preferred Address and via one (1) Secondary Address (if any) that is then on file with the Membership Department of the State Bar.

Section 9. Review and Appeal

- (A) A member may file a written request for exemption from compliance with any of the requirements of this Article, an extension of time for compliance, an extension of time to comply with a deficiency notice, or an extension of time to file an annual activity report. Such request for excuse or for extension shall be reviewed and determined by the Committee or by such members as the chairperson may, from time to time, designate. The member shall be promptly notified of the Committee's decision.
- (B) "Good cause" shall exist when a member is unable to comply with this Article because of illness, medical disability, or other extraordinary hardship or extenuating circumstances that were not willful on the part of the member and were beyond his or her control.
- (C) Should the decision of the Committee be adverse to the member, the member may request the Board of Directors of the State Bar to review the decision by making such request in writing to the Executive Director of the State Bar within thirty days of notification of the decision of the Committee. The Chairman of the Board may appoint a committee of the Board to review the decision of the Committee and make a recommendation to the Board. The decision shall be made by the Board.
- (D) Should the decision of the Board be adverse to the member, the member may appeal such decision by filing suit within thirty (30) days of notification of the Board's action, failing which the decision of the Board shall be final. Such suit shall be brought against the State Bar, and shall be filed in a district court in Travis County, Texas. Trial shall be de novo, but (1) the burden of proof shall be on the member appealing; (2) the burden shall be a preponderance of the evidence; and (3) the member shall prove the existence of "good cause" as defined herein. The trial court shall proceed to hear and determine the issue without a jury. Either party shall have a right to appeal.
- (E) Any suspension of a member under this Article shall be vacated during the administrative review process and while any suit filed is pending.

Section 10. Return to Former Status

Any member whose license to practice law has been suspended under the terms of this Article who after the date of suspension files an activity report with the MCLE Director showing compliance and who has paid all applicable fees associated with non-compliance and suspension, shall be entitled to have such suspension promptly terminated and be returned to former status. Return to former status shall be retroactive to the inception of suspension, but shall not affect any proceeding for discipline of the member for professional misconduct. The MCLE Director shall promptly notify the Clerk that a member formerly suspended under this Article has now complied with this Article.

Section 11. Exemption of Certain Judges

Judges subject to Supreme Court Order for Judicial Education dated August 21, 1985, Supreme Court Order for Judicial Education for Retired or Former District Judges dated July 2, 1986, and federal judicial officers, shall be exempt from these requirements.

Section 12. Confidentiality

A member who reports attendance credits individually to the MCLE Director, without the sponsoring organization's knowledge, automatically consents to release of his or her name to the sponsoring organization for the sole purpose of reconciling attendance records. Otherwise, the files, records and proceedings of the Committee, as they relate to the compliance or noncompliance of any member with the requirements of this Article, shall be confidential and shall not be disclosed except upon consent of the member affected or as directed in the course of judicial proceeding by a court of competent jurisdiction.

Section 13. Effective Date

The effective date of this Article shall be June 1, 1986.

The effective date of amendments to this Article shall be February 1, 2005.

TEXAS MCLE REGULATIONS

1.0 MCLE COMPLIANCE YEAR

- 1.1 The definitions set forth in Article XII, State Bar Rules, Section 2, shall apply to these Texas MCLE Regulations.
- 1.2 Each member's initial MCLE compliance year shall begin on the first day of the member's birth month that occurs after the licensing date and shall end twenty-four (24) months later on the last day of the month immediately preceding the member's birth month.
- 1.3 The minimum CLE credits needed for a regular one-year MCLE compliance year are required to be completed during the initial 24-month MCLE compliance year. Only CLE credits completed within this 24-month period and during the 12-month period immediately preceding the initial compliance year may be used toward meeting the compliance requirements of the initial compliance year. The sole exception shall be for "The Guide to the Basics of Law Practice" sponsored by the Texas Center for Legal Ethics and Professionalism, which may be completed earlier for Accredited CLE Activity credit.
- 1.4 A member's minimum CLE requirements should be completed by the last day of the MCLE compliance year for any given year. However, if a member has not completed the minimum CLE requirements by the last day of any given MCLE compliance year, then that member shall be given an automatic grace period up to the last day of their birth month, or reporting month if an extension has been granted in accordance with these regulations and Article XII, to complete the minimum requirements without penalty. If the minimum credits are not completed or reported until after the end of the member's birth month for that year, then a penalty will be required as specified below in Section 7.3.

2.0 CATEGORIES OF CREDIT

- 2.1 Accredited CLE (Minimum of 12 hours allowable).
 - 2.1.1 Sponsor Submitted Accredited CLE Activities shall include activities that have been submitted for review and accreditation to the MCLE Director and that comply with Article XII, Section 4A, State Bar Rules, with Section 10 of the MCLE Regulations and with the Accreditation Standards for CLE Activities established by the MCLE Committee. To qualify as an Accredited CLE Activity, the CLE sponsor must keep track of attendance at the activity, whether it is live or prerecorded, or delivered individually, electronically, or in a group setting, and shall report attendance to the MCLE Department in accordance with MCLE Regulations, Section 6.0-6.3.
 - a. Attendance at an Accredited CLE Activity may be in person or by electronic means and may include viewing or listening to prerecorded media or attendance by such means as may be developed through advanced technology.

- b. A Mentor Program is an Accredited CLE Activity that is either sponsored or cosponsored by the State Bar of Texas or otherwise approved by the MCLE Committee, is open to all members of the State Bar, and is completed in conjunction with MCLE approved training. The purpose of the approved training/mentoring relationship shall be the preparation of participants for providing pro-bono services or for managing professional responsibility challenges and shall consist of substantive legal training as opposed to coaching or personal encouragement. A maximum of five (5) hours, including one (1) ethics hour, per compliance year may be claimed for the actual amount of time spent in the mentoring relationship. Mentor programs shall be submitted to the MCLE department in accordance with Section 10.2 and 10.8.
- c. While high quality written materials should be included with Accredited CLE Activities, written materials alone shall not qualify as an Accredited CLE Activity.
- d. Accredited CLE Activities shall be delivered or presented in one or more of the approved format(s) outlined in the Accreditation Standards for CLE Activities. The Committee may approve other methodologies for delivery of Accredited CLE as developed through advanced technology.

2.1.2 Attorney Submitted Accredited CLE Activities shall include:

- a. speaking at Accredited CLE Activities, including preparation time and presentation time with additional preparation credit for repeated presentations (Article XII, Section 4C);
- b. writing, as an author or co-author, materials published in the form of an article, chapter or book which contributed substantially to the continuing legal education of the author or co-author and other attorneys and which was not done in the ordinary course of the practice of law, the performance of regular employment or as a service to clients (Article XII, Section 4D);
- c. teaching, lecturing or speaking in the position of a part-time faculty in any law school which is approved by the American Bar Association, except as to the minimum requirements for CLE in legal ethics and professional responsibility (Article XII, Section 4F);
- d. attending in person (through non-electronic means) instruction at an ABA accredited law school after admission to practice. Credit shall be for the actual hours of in-class instruction and shall not exceed thirty (30) hours per compliance year. (Article XII, Section 4J); A transcript verifying completion of the course(s) and a non-refundable \$25 accreditation fee (per semester) is required for each application for law school credit.

2.1.3 Non-qualifying Activities.

An activity that is done in the ordinary course of the practice of law, the performance of regular employment, or as a volunteer service to clients, government entities, bar organizations or the general public shall not receive Accredited CLE Activity credit. An activity associated with membership or attendance at committee meetings, business meetings or work sessions shall not receive Accredited CLE Activity credit.

2.2 Self-Study Credit.

Self-Study Credit is CLE credit that is obtained from any type of CLE activity that is performed by an individual attorney acting alone or while attending non-accredited professional educational activities. A maximum of three (3) Self-Study credit hours can be applied toward each MCLE compliance year. Self-Study Credits may be claimed for any of the following types of CLE activities:

- a. reading materials specifically prepared for an accredited activity;
- b. reading substantive legal articles in recognized legal publications;
- c. reading digests, advance sheets, cases, treatises, statutes, and regulations;
- d. viewing non-accredited videotapes or digital media produced for legal education purposes;
- e. listening to non-accredited audiotapes or digital media produced for legal education purposes;
- f. attending professional educational activities that train participants in the use of non-legal software or teach non-legal skills such as stress management, time management, personal relational management, career management, rainmaking, marketing, accounting, general office management, and communication skills.
- g. attending professional educational activities that present business, technical or scientific knowledge including programs dealing with business management concerns, medical or engineering knowledge and concepts, or other educational activities dealing with topics relevant to specific areas of law practice;
- h. serving as a judge or evaluator in any type of mock trial, moot court or client counseling competition, class or program; and
- i. speaking or writing, including presentation, preparation and composition time for any of the self-study activities enumerated above (a-h).

3.0 MINIMUM EDUCATIONAL REQUIREMENTS

- 3.1 Fifteen total hours of continuing legal education credit are required to be completed during each MCLE compliance year (including the initial 24-month compliance year) in order to meet the minimum educational requirements set out in Article XII, Section 6A, State Bar Rules. A minimum of twelve (12) credit hours must be completed in the form of Accredited CLE Activities, defined by Section 2.1.1-2.1.2.
- 3.2 A minimum of three (3) of the required fifteen (15) hours of CLE must be completed in the subject areas of legal ethics and/or professional responsibility. Two (2) hours of this minimum 3-hour requirement must be completed in the form of an Accredited CLE Activity. One (1) of this minimum 3-hour requirement may be completed in the form of self-study credit. (Article XII, Section 6B)
- 3.3 Carry-forward CLE Credit Hours. A member may carry forward CLE credit hours earned in excess of the minimum 15-hour requirement to the following year's requirement up to a maximum limit of fifteen (15) credit hours. Members may only carry forward excess credit earned to the next MCLE compliance year. Legal ethics or professional responsibility credit will carry forward similarly. (Article XII, Section 6E)
- 3.4 CLE credit hours are computed based on actual time spent in an activity (actual instruction time, reading time, running time of tapes, audio, video or digital media) reported in hours to the nearest one-quarter hour and reported in decimals (Article XII, Section 7A and 7B). Sponsors shall compute CLE credit hours for accredited activities based on this formula and shall identify the number of hours on the application form prescribed by the MCLE Committee. (Article XII, Section 7A)

The individual attorney will need to compute CLE credit hours in instances of self-study programs, preparation and presentation time for speakers, composition time for authors as well as instances where the attorney attends part of a session of a planned activity. (Article XII, Section 7B and 7C)

4.0 CONTINUING LEGAL EDUCATION ACTIVITIES SOURCES

- 4.1 Accredited CLE meets the criteria of Section 2.1, Section 10 and the Accreditation Standards for CLE Activities and may include live or prerecorded presentations. Non-accredited CLE used on an individual basis shall be considered Self-Study credit. (Article XII, Section 4B)
- 4.2 In-house Educational Activities applicable to Self-Study credit shall include those non-accredited activities that are offered by law firms or corporations that are solely for the benefit of their own employees. (Article XII, Section 4B)
- 4.3 Accredited In-house CLE shall include those activities that are offered by local, state and federal government agencies, the military, and law firms or corporations, provided each program is accredited in advance, in accordance with Section 2.1.1, and is a structured continuing legal education activity.

5.0 SPECIAL CASES AND EXEMPTIONS

An exemption or special case status shall apply to the entire MCLE compliance year (first day of the birth month through the last day of the month immediately preceding the birth month). Any change in status during the compliance year shall be promptly reported to the MCLE Director on the appropriate reporting form.

5.1 Full-time and Part-time Faculty Members of ABA accredited law schools shall be exempt from the minimum requirements of Article XII, except for the minimum requirement for CLE in legal ethics or professional responsibility as specified in Section 3.2 above.

5.1.1 Full-time and Part-time Faculty Members shall give written notification to the MCLE Director indicating his/her full-time teaching status and the law school of which he or she is a faculty member. Annually, the member will be required to complete three (3) hours of legal ethics (Article XII, Section 4F) and report this credit as outlined below in Section 6.5.

5.2 Judicial Exemption.

Judges subject to Supreme Court Order for Judicial Education dated August 21, 1985, Supreme Court Order for Judicial Education for Retired or Former District Judges dated July 2, 1986, and federal judicial officers are eligible to claim an exemption from these requirements

5.2.1 Judges exempt from the Rules are requested to give written notification to the MCLE Director in order to claim this exemption.

5.3 Non-practicing Exemption.

5.3.1 Members who have not engaged in the practice of law in Texas during the entirety of an MCLE compliance year are eligible to claim an exemption from the MCLE requirements. Members who are engaged in the practice of law at the beginning of a MCLE compliance year but who later cease from practice during that compliance year are not eligible for this non-practicing exemption.

5.3.2 For purposes of this section, 'practice of law' shall mean: (1) the preparation of any kind of pleading or other paper incident to actions and special proceedings on behalf of a client before judges, courts and administrative agencies, (2) the preparation or presentation of any kind of legal instrument, and (3) in general, the giving of advice to clients and taking any form of action for them in matters connected with the law. All of these enumerated services shall be considered practicing law regardless of whether a fee is charged or collected. However, a member who renders any of these enumerated services on behalf of his/her own personal or immediate family interests shall not be considered to be practicing law for purposes of this definition.

5.3.3 Members who serve as judicial law clerks in Texas, including federal judicial law clerks, are not eligible for this non-practicing exemption.

5.4 A member who is on Inactive membership status with the State Bar during the entire MCLE compliance year shall be exempt from the MCLE requirements. Members whose membership status is Active at the beginning of a MCLE compliance year but who later change to Inactive status during the course of that compliance year are not eligible for this exemption.

5.4.1 Members who change to Inactive membership status during the course of the compliance year may defer the completion of any remaining MCLE requirements (including payment of penalties for late filing) for that compliance year. Upon activation of membership status, members shall be given ninety (90) days to complete and report all deferred MCLE requirements. Failure to complete deferred requirements during this 90-day period, will subject the member to suspension in accordance with Article XII.

5.5 A member who has been disbarred, who has no permanent license or who has resigned from membership in the State Bar shall be exempt from the MCLE requirements.

5.6 Legislature/Congress.

Any member who is either (a) a member of the Texas Legislature during any MCLE compliance year, or (b) a member of the U.S. Congress during any MCLE compliance year is eligible to be automatically credited with the minimum number of CLE credits required by the MCLE Rules.

5.7 Legislature Attorney.

Any member who is employed as an attorney in one of the capacities specified in Section 81.113 of the Texas Government Code (as amended) for the Texas Legislature or U.S. Congress, is eligible to be automatically credited with the minimum number of CLE credits required by the MCLE Rules, except for the minimum requirements in legal ethics or professional responsibility as specified in Section 3.2 above.

5.8 Hardship Exemption.

Any member who is unable to satisfy the minimum CLE requirements during any MCLE compliance year as a result of undue hardship caused by illness, medical disability or other extraordinary or extenuating circumstances beyond the control of the member may apply for a hardship exemption from the MCLE requirements for that compliance year. Undue hardship generally will not include financial hardship or lack of time due to a busy professional or personal schedule.

5.9 Age Exemption. (Repealed)

Any member who is 70 year of age or older, shall be exempt from MCLE requirements. Members who are 69 years of age during the compliance year and who turn 70 years of age at the end of the compliance year will be required to comply with MCLE requirements. The age exemption is repealed effective June 1, 2015, with an implementation date of June 1, 2016. Members who are 70 years or older on or after June 1, 2016 will begin their compliance year on the first day of their birth month.

5.10 Self-study Allowance.

Any member who is unable to satisfy the minimum CLE requirements during any MCLE compliance year due to extraordinary or extenuating circumstances beyond the control of the member may apply to have the maximum limit on self-study credit hours specified in Section 2.2 above waived, such that all of the remaining CLE credit hours for that compliance year can be completed through self-study credit.

5.11 Extensions.

A member may file a written petition requesting an extension of the member's MCLE compliance year for a maximum of ninety (90) days past the last day of the member's birth month when circumstances exist that prevent the member from being able to comply with the MCLE requirements for the compliance year. "Good Cause" for an extension may exist in the event of illness, medical disability or other extraordinary hardship or extenuating circumstances beyond the control of the member. An extension generally will not be allowed due to financial hardship or lack of time due to a busy professional or personal schedule.

5.11.1 No extension shall be allowed unless it is requested prior to the last day of the member's birth month. A member seeking an extension shall submit a written request to the MCLE Committee detailing the circumstances for such request. If an extension is granted, CLE hours completed during the extension period and used toward meeting requirements for the immediately preceding compliance year, may not be used again toward the next compliance year's requirements. Hours that are completed in excess of the 15-hour minimum requirement shall carry-forward as outlined in Section 3.3. A written notification of the determination made on each extension request will be sent to the member making such request.

6.0 PROCEDURES FOR REPORTING CLE CREDIT HOURS

- 6.1 Attendance Records for Accredited CLE Activities. CLE sponsors are required to timely submit Texas member attendance records to the MCLE Director for each accredited CLE activity. CLE sponsors are not responsible for meeting individual attorney reporting deadlines.
- 6.2 CLE attendance information shall be submitted to the MCLE Director by the CLE sponsor via 1) State Bar of Texas CLE Attendance Form, 2) approved Internet attendance submission, 3) approved electronic attendance file submission, or 4) any other attendance submission format developed through advanced technology, subject to approval of the MCLE Committee.
- 6.2.1 Attendance that is submitted via State Bar of Texas CLE Attendance Form shall be subject to a \$2.00 per attendee service charge for processing.
- 6.2.2 Attendance that is submitted via electronic file submission or by approved Internet submission shall not be subject to a service charge.
- 6.3 The MCLE Director shall not accept CLE attendance certificates or attendance lists submitted in formats that are not specified by Section 6.2 unless a \$10 per attendee service charge accompanies the certificate(s) or list(s).

6.4 Reporting Attendance to CLE Sponsors by Members

- 6.4.1 Each member shall report his or her attendance to the CLE sponsor by one of the following approved methods:
- a) by completing a State Bar of Texas CLE Attendance Form while in attendance at an accredited CLE activity. The State Bar of Texas Attendance Form should be provided by the CLE sponsor of an MCLE accredited activity. The member must complete the attendance form while in attendance and leave the completed form with the sponsor for submission to the State Bar for inclusion in the member's MCLE compliance record; or
 - b) by signing an electronic transfer attendance list or roster that will be used by the CLE sponsor to report credits directly to the MCLE Director via the Internet, electronic file transfer, or other transfer format developed through advanced technology, subject to approval of the MCLE Committee.
- 6.4.2 If a member is unable to complete a State Bar of Texas CLE Attendance Form or sign an electronic transfer attendance list while in attendance at an accredited CLE activity, the member shall report CLE credits to the MCLE Director via either 1) the State Bar of Texas MCLE Internet reporting site or 2) completion and submission of a CLE Credit Input Form to be obtained from the MCLE Department.
- 6.4.3 The MCLE Director shall not accept CLE attendance certificates or attendance lists submitted by individual members, or attendance information reported in formats that are not specified by Section 6.4.2, unless a \$10 per course service charge accompanies the certificate(s) or list(s).
- 6.4.4 A member who by-passes reporting to the CLE sponsor, either intentionally or unintentionally, and reports attendance directly to the MCLE Director, automatically consents to the release of his or her name to the sponsoring organization for the sole purpose of reconciling attendance records. (Article XII, Section 12).
- 6.5 Members are responsible for timely reporting of all other types of CLE credit hours for recording on their MCLE compliance record via one of the approved member reporting formats outlined in 6.4.2 above.
- 6.6 A member who completes CLE hours during the birth month, non-compliance period (Section 7 below), or reporting month if an extension has been granted, to meet requirements for the immediately preceding compliance year, is responsible for timely reporting these credits to the MCLE Director via one of the approved member reporting formats outlined in 6.4.2 above.
- 6.7 A member may request that CLE hours be added retroactively to an archived MCLE compliance year. A \$25 service charge shall be required to process each request for change to an archived compliance year.

7.0 NON-COMPLIANCE PROCEDURES

7.1 General.

“Non-Compliance” shall mean failure to comply with the requirements of Article XII of the State Bar Rules or these regulations, and may include, but is not limited to lack of adequate credit hours, failure to report to the Director completed credit hours, credit hours reported for non-accredited CLE activities, inclusion of credit hours for activities not defined in the categories of credit, failure to pay fees or fines, and/or lack of ethics credit. The Director shall send to members in Non-Compliance a Non-Compliance Notice stating the specific reasons for Non-Compliance and also stating that the member has three months after the member’s birth month (or reporting month if an extension has been granted), to file with the Director a statement clarifying the reason for Non-Compliance, which is satisfactory to the Director, or to otherwise demonstrate compliance with the requirements. The Non-Compliance Notice shall include a notice that the member will be subject to suspension from the practice of law if the minimum CLE requirements are not completed within the three-month period following the member’s birth month. For purposes of this Section 7, MCLE Credit hours shall be deemed to have been reported to the Director, only when the Director receives a properly completed MCLE member reporting form as outlined in Section 6.4.2 above, reflecting the completed credit hours.

7.2 Grace Period.

Members who, as of the last day of their MCLE compliance year, have not completed their minimum CLE credit hours and reported same to the Director, or who are otherwise in Non-Compliance as described in Section 7.1, shall be given until the last day of their birth month as a grace period as specified in Section 1.4 above. Members may use this grace period to complete the remaining number of credit hours needed for the compliance year in question, and report the completion of the credit hours to the Director without incurring a penalty or Non-Compliance Fee. CLE credit hours completed during the Grace Period in excess of the number needed to complete the requirements for the compliance year in question, may be carried forward to meet the minimum CLE requirements for the next compliance year. Completed CLE credit hours must be properly reported to the Director within the Grace Period for a member to avoid paying a Non-Compliance Fee.

7.3 Non-Compliance Fee.

A member who is not exempt from the full MCLE requirements, and who fails to complete the minimum CLE credit hours and properly report the completion of those hours to the Director, or is otherwise in Non-Compliance as described in Section 7.1, as of the last day of the member’s birth month (or reporting month if an extension that has been granted) shall pay a Non-Compliance Fee. The Non-Compliance Fee shall be determined by the date upon which the Director receives the member’s report of the completed hours, as follows: (a) \$100 if received within one month after the member’s birth month; (b) \$200 if received within two months after the member’s birth month; and (c) \$300 if received thereafter, but before suspension of the

member. Payment of the Non-Compliance Fee, before suspension of the member, is required in order to bring a member's MCLE record into compliance. Failure to pay the Non-Compliance Fee shall be considered to be Non-Compliance with the MCLE requirements and will subject the member to suspension as specified below.

7.4 Notices to Members.

Any notice required to be given to a member pursuant to this Section 7, shall be deemed to be effective when sent to the member at the Preferred Address for the member as then reflected in the membership records of the State Bar.

7.5 Emeritus Member Non-Compliance Fee Exemption

Any member who is 71 years of age or older shall be exempt from MCLE Non-Compliance Fee assessment. Payment of Non-Compliance Fees accrued prior to age 71 is required in order to bring a member's MCLE record into compliance. Failure to pay Non-Compliance Fees assessed prior to age 71 shall be considered to be Non-Compliance with MCLE requirements and will subject the member to suspension as specified in Section 8.0 below.

8.0 SUSPENSION OF LICENSE

8.1 Members who fail to comply with the minimum CLE requirements, after having been given all the required notices as set forth in Section 8, Article XII, State Bar Rules, or who fail to pay the Non-Compliance fee specified in Section 7.3 above, or who are otherwise in Non-Compliance as described in Section 7.1 above, shall be suspended from the practice of law in accordance with Section 8(E), Article XII, State Bar Rules.

9.0 REINSTATEMENT

9.1 A member whose license to practice law has been suspended due to Non-Compliance may be reinstated by completing the CLE credit hours needed to fulfill the remaining requirements for the MCLE compliance year for which the member was suspended, and by paying a reinstatement fee of \$400.00 to the State Bar. A member may complete the necessary CLE credit hours during the period of suspension to meet the requirements for the year or years of non-compliance. These credit hours may not be counted toward meeting the current year's requirement. An emeritus member who is suspended after age 71 shall be exempt from the \$400 MCLE reinstatement fee.

9.1.1 A member who has been suspended due to Non-Compliance for two (2) or more consecutive MCLE compliance years, upon reinstatement, shall be subject to a \$100 penalty fee per each repeated suspension.

9.1.2 A member who has been suspended due to Non-Compliance and who must comply with more than one MCLE compliance year in order to be reinstated shall be subject to an additional \$100 penalty fee.

9.1.3 Emeritus members shall not be exempt from penalty fees assessed under 9.1.1 or 9.1.2.

- 9.2 The Director, upon receipt of proper documentation showing that a suspended member has satisfied the CLE credit hours that were outstanding for the MCLE compliance year(s) for which the member was in Non-Compliance and suspended, and payment of the reinstatement fee(s) specified in Section 9.1-9.1.2 above, shall notify the Clerk of the Supreme Court of the receipt of such documentation and fees, requesting that the member may be reinstated. Upon reinstatement of the member by the Supreme Court of Texas, the Director will then notify the member of reinstatement.
- 9.3 Notices to Members. Any notice required to be given to a member pursuant to this Section 9, shall be deemed to be effective when sent to the member at the Preferred Address for the member as then reflected in the membership records of the State Bar.

10.0 ACCREDITATION OF CLE ACTIVITIES

- 10.1 The following Standards will govern the approval of continuing legal education activities by the Committee.
- 10.1.1 The activity shall have significant intellectual or practical content for attorneys.
- 10.1.2 The activity shall constitute an organized program of learning dealing with matters directly related to legal subjects and the legal profession, including professional responsibility, legal ethics or law practice management.
- 10.1.3 The activity shall be conducted by an individual or group qualified by practical or academic experience in a suitable facility.
- 10.1.4 Sponsors shall indicate in promotional materials the purpose of the activity, identify the instructors, the time devoted to each topic, and the intended audience. Some means of evaluation by participants is encouraged.
- 10.1.5 While written materials need not be distributed for every activity, thorough, high quality written materials should be distributed to all participants at or before the time the activity is offered whenever practicable.
- 10.1.6 A list of all participants for each activity shall be maintained by the sponsor for a period of at least two years. Attendance records are to be sent to the Director in a form to be designated by the Committee as outlined in Sections 6.1 and 6.2 above, following the end of each activity.
- 10.1.7 For CLE activities that have received accreditation for MCLE, the sponsors of those activities shall indicate in promotional materials that such activity has been accredited for MCLE by including the following statement:

"This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of ____ credit hours, of which ____ credit hours will apply to legal ethics/professional responsibility credit."

10.1.8 For CLE activities in which an application for accreditation has been filed but accreditation has not yet been granted, the sponsors of those activities shall include the following statement in promotional materials:

"An application for accreditation of this activity has been submitted to the MCLE Committee of the State Bar of Texas and is pending."

10.1.9 Activities which fail to comply with the notice provisions required in Sections 10.1.7 and 10.1.8 above may subject the sponsors of these activities to sanctions.

10.1.10 The activity must have at least one-half (.50) hour of instructional time.

10.1.11 The activity must be open to a member of the MCLE Committee or its designee at no cost (except for meals, lodging or similar out-of-pocket costs attributable on an individual basis) for purposes of monitoring the quality of the CLE activity and compliance with the MCLE rules and regulations.

10.1.12 The MCLE Committee shall review member complaints concerning CLE sponsors and CLE activities. If the Committee determines that a response is necessary from the sponsor, the sponsor will be notified in writing and provided a copy of the complaint. If the sponsor has not resolved the complaint to the satisfaction of the MCLE Committee within sixty (60) days after the notice, the Committee may, at its discretion, suspend further accreditation of any applications filed by said sponsor until the matter is satisfactorily resolved.

10.2 Procedure for Applying for Accreditation of CLE Activities for Non-Accredited Sponsors

CLE activities may be accredited upon the written application of sponsors, on an individual program basis, or by attorneys on an individual program basis for out-of-state activities. All applications for accreditation of a CLE activity by a Non-Accredited Sponsor shall:

- a. Be submitted at least thirty (30) days, and preferably longer, in advance of the course, although the Committee may grant approval on applications filed less than 30 days prior or retroactive approval if the proper penalty for late filing is paid, as specified below;
- b. Be submitted on a form provided by the Committee;
- c. Contain all information requested on the form;
- d. Be accompanied by a sample brochure or course outline that describes the course content, identifies the instructors, lists the time devoted to each topic, and shows each date and location at which the program will be offered.
- e. Include a detailed calculation of the total CLE hours and legal ethics/professional responsibility credit hours; and
- f. Include designation on the course outline or brochure of any parts or sessions of the CLE activity that are sought to be accredited for legal ethics/professional responsibility.

- 10.2.2 A separate application is required for each activity unless the activity is being repeated in exactly the same format on different dates and/or different locations and is open to attendance by any attorney. Repeat presentations may be added to an existing application for a twelve month period. For example: If the date of the first presentation is May 25, repeat presentation dates through April 30 of the following year may be added to the existing application.
- 10.2.3 In-house CLE activities, repeated at different firms or organizations in which attendance is restricted to the attorneys and guests of each separate organization, shall be considered separate CLE activities and shall be submitted separately.

10.3 Accreditation of Sponsoring Organizations

The MCLE Committee may extend approval to a sponsoring organization for all of the CLE activities presented by such organization that conform to Section 10.1.

10.3.1 Eligibility/Requirements for Accredited Sponsor Status

Eligibility for Accredited Sponsor status shall be extended to local or district bar associations, state and national legal organizations, ABA/AALS accredited law schools, state bar associations, law firms or corporate legal departments and other nonprofit and commercial organizations that consistently provide CLE to the legal community. In order to be eligible, the organization must have a demonstrable history of (1) consistently providing quality CLE programming for lawyers that meets the requirements of Article XII of the State Bar Rules, these Regulations and the Accreditation Standards for CLE Activities for a period of at least two years, and (2) providing ten or more CLE activities per calendar year.

10.3.2 Application for Accredited Sponsor Status

In order to obtain Accredited Sponsor status, an organization must submit an Application for Accredited Sponsor Status (“Application”) approved by the MCLE Committee and a \$200 application fee. The Application may require the sponsor to submit information regarding its organization, purpose, history of providing CLE activities, or such additional information that the MCLE Committee may deem relevant. Approval of Accredited Sponsor status will be based upon information received with the application, such other information the MCLE Committee shall deem relevant and historical information contained within the MCLE data base including, but not limited to, course submission and attendance history, approvals and denials of accreditation, complaints concerning past programs or the marketing thereof, and payment history of the sponsor.

10.3.3 Responsibilities of Accredited Sponsors

Accredited Sponsors shall provide specific information to the MCLE Department related to each CLE activity at least 30 days prior to the day the activity commences in an

electronic format approved by the MCLE Committee,. This information shall include, but is not limited to the following:

- a. activity title;
- b. date(s) and location(s) of the activity;
- c. total Accredited CLE hours, including ethics credit hours;
- d. method of presentation; and
- e. registration contact and registration fee information;

Accredited Sponsors shall keep course materials for two years, which shall include a brochure or outline that describes the course content, identifies the instructors, lists the time devoted to each topic, each date and location of the presentation, and attendance records showing lawyer attendees and the number and description of non-lawyer attendees. The Accredited Sponsor, upon request of the MCLE Director, shall immediately submit this information for review. Additional responsibilities of Accredited Sponsors include the timely submission of attendance information, amendments to CLE hours, dates, and/or locations for each activity submitted, and payment of all applicable accreditation and late filing fees for each activity.

10.3.4 Benefits of Accredited Sponsor Status

Accredited Sponsors may participate in the following benefits of Accredited Sponsor status:

- a. Accredited Sponsors may indicate in promotional materials that they are accredited by including the following statement in promotional materials:
“_____ is an accredited sponsor, approved by the State Bar of Texas, Committee on MCLE.”
- b. Accredited sponsors may submit payment of required accreditation and late filing fees upon receipt of invoice from the MCLE Director.
- c. Accredited Sponsors need not comply with State Bar MCLE Regulations 10.2 (a) through (f).

10.3.5 Renewal/Revocation

Accredited Sponsors shall pay a \$200 annual renewal fee. The renewal fee will be due each year during the anniversary month of Accreditation. Accredited Sponsors shall be reviewed each year for renewal of Accredited Sponsor status or at such other times as the MCLE Committee shall deem reasonable. The Committee may revoke accreditation at any time when the MCLE Committee finds that a sponsor has not complied with the responsibilities of Accredited Sponsor status (Section 10.3.3 above). Additional

conditions which may cause revocation of Accredited Sponsor status shall include, but are not limited to:

- a. non-payment of accredited sponsor fee or annual renewal fee.
- b. submission of an activity or activities that do not qualify for MCLE accreditation as set forth in the Accreditation Standards for CLE Activities and interpreted by the MCLE Committee;
- c. non-payment of accreditation fees or late filing fees;
- d. failure to report attendance for activities sponsored by the Accredited Sponsor;
- e. submission of jointly sponsored activities, or activities sponsored by other organizations; or
- f. unresolved complaint(s) documented against the Accredited Sponsor or an activity offered by an Accredited Sponsor.

10.3.6 Responsibilities of MCLE Director

The MCLE Director shall provide course numbers for each Accredited Sponsor CLE activity that is submitted to the MCLE Department upon the appropriate form and in compliance with the requirements of Section 10.3.3 (a) through (e).

10.3.7 Specific Restrictions

An Accredited Sponsor shall not sponsor a CLE activity with any other organization. An organization that has been granted Accredited Sponsor Status may co-sponsor a CLE activity with another entity, but that CLE activity must be provided as though the Accredited Sponsor were not an Accredited Sponsor.

10.4 Approval of In-House Education Activities.

Courses by local, state and federal government agencies, the military, law firms, either individually or in connection with other law firms, corporate legal departments, or similar entities primarily for the education of their members may be accredited for MCLE credit under the Rules and Regulations applicable to any other sponsor and the requirements set forth in Sections 10.1 and 10.2 above, plus the following additional conditions:

- a. The courses shall be submitted for approval on a course-by-course basis at least 30 days prior to the date of the activity;
- b. Experienced instructors must contribute to the teaching and efforts should be made to achieve a balance of in-house and outside instructors;
- c. The course must be scheduled at a time and location so as to be free of interruptions from telephone calls and other office matters.

10.5 Attorney Request for Accreditation of Out-of-State CLE Activity.

A member of the State Bar of Texas may seek individual accreditation for a live out-of-state CLE activity that has not been previously submitted and approved by the CLE sponsor by completing an application form to be provided by the Committee. The application may be submitted either before or after the activity is conducted and shall include a brochure or other outline describing the course content, identifying the instructors, listing the topics by title, and showing the time schedule for each topic. An accreditation fee of \$25 per request shall be imposed upon the member and shall be submitted at the time of request.

10.5.1 A member may not seek individual accreditation for electronically delivered activities such as live or prerecorded teleconferences, webcasts, satellite broadcasts or other non-accredited digital media.

10.6 Request for Teaching Credit.

Credit may be earned for teaching in an approved CLE activity. To receive credit, the member shall submit an application for teaching credit on a form to be provided by the Committee.

10.6.1 Presentation and preparation time will qualify for CLE credit on the basis of hour-for-hour credit for each hour spent in preparation and the actual time of presentation. Credit for repeat presentations shall qualify for additional time spent in preparation only.

10.7 Request for Writing Credit.

Credit may be earned for research-based writing activities, provided the activity (1) produced material published in the form of an article, as materials for an accredited CLE activity, or as a chapter or book written, in whole or in part, by the applicant; (2) contributed substantially to the continuing legal education of the applicant and other attorneys; and (3) is not done in the ordinary course of the practice of law, the performance of regular employment, or as a service to clients. To receive credit, the member shall submit an application for writing credit on a form to be provided by the Committee.

10.7.1 In granting credit for research-based writing, the Committee shall consider the following factors: (1) the content, level and length of the materials; (2) the originality of the materials with the individual applicant; and (3) the nature of the publication in which they appear, if any.

10.8 Accreditation and Late Filing Fees

10.8.1 Accreditation Fee Paid by Sponsors of CLE Activities.

An accreditation fee shall be required for each CLE activity for which a sponsor seeks MCLE accreditation for such activity pursuant to these regulations, unless exempted as set out in Section 10.8.3 of this regulation. A series of CLE activities that occurs on non-consecutive dates shall be considered as separate activities and shall be submitted separately with an accreditation fee required for each application.

10.8.2 The accreditation fee for non-accredited sponsors shall be calculated at the rate of \$20.00 per approved credit hour or \$10.00 per Texas attendee, whichever is less, with the minimum fee of \$50.00 to be paid for each CLE activity.

10.8.3 The accreditation fee for a sponsor who has been extended Accredited Sponsor status by the MCLE Committee outlined in Sections 10.3-10.3.7 or for an organization that meets the definition of a local bar association outlined below in Section 10.8.5, shall be calculated at the rate of \$14 per approved credit hour or \$7.00 per Texas attendee, whichever is less, with the minimum fee of \$35 to be paid for each CLE activity.

10.8.4 Payment of the minimum fee shall accompany each application for accreditation submitted by a sponsor. Applications for accreditation submitted without payment of the minimum fee shall be returned to the sponsor without being processed for accreditation. If the CLE activity is subsequently accredited, the balance of the accreditation fee, if any shall be paid by the sponsor within thirty (30) days after conclusion of the corresponding CLE activity

10.8.5 Exemptions.

An exemption from payment of the attendance reporting service charge specified in 6.2.1 and accreditation fee specified in 10.8.1 through 10.8.3 above shall be allowed for each accredited CLE activity that is solely sponsored by a local or district bar association for which no separate attendance fee is charged. For purposes of this subsection, "local or district bar association" shall mean a bar association contained within a particular geographical area of a city, county or state judicial district and that is open for membership to the entire general lawyer population within such area.

Local and district bar associations and government agencies are exempt from accredited sponsor and annual renewal fees specified in 10.3.5 above.

10.8.6 Accreditation Fee Paid by Members for Out-of-State CLE Activities.

An accreditation fee shall be required for any out-of-state CLE activity (not previously accredited through an application by the sponsor of the activity) for which a member seeks accreditation on an individual basis pursuant to these regulations. A separate application and accreditation fee shall be required for each member who attends the activity and who desires to receive MCLE credit for such activity. A series of CLE activities that occurs on non-consecutive dates shall be considered as separate activities and shall be submitted separately with an accreditation fee required for each application.

10.8.7 The amount of this accreditation fee shall be \$25.00 for each application for accreditation submitted regardless of the number of credit hours allowed for the CLE activity.

10.8.8 This fee shall be paid directly by each individual member requesting accreditation for the out-of-state activity. Payment of the fee must accompany the application. Individual applications for accreditation submitted without proper payment of the \$25.00 fee shall be returned without being processed for accreditation.

- 10.8.9 A penalty for late filing in the amount of \$100 must be paid for each accreditation application filed by a non-accredited CLE sponsor if the application is received in the office of the MCLE Department less than fifteen (15) calendar days prior to the starting date of the CLE activity specified on the accreditation application.
- 10.8.10 A penalty for late filing in the amount of \$50 must be paid for each course submission filed electronically by a CLE sponsor who has been extended Accredited Sponsor status by the MCLE Committee outlined in Sections 10.3-10.3.7 or that meets the definition of a local bar association outlined in Section 10.8.5 if the course submission is received in the office of the MCLE Department less than fifteen (15) calendar days prior to the starting date of the CLE activity.
- 10.8.11 The late filing deadline will be calculated by starting with the date that is one calendar day immediately prior to the starting date of the CLE activity, and counting backward 15 calendar days; the resulting date is the late filing deadline, and the application must be received by the close of business on that date in order to avoid this late filing fee.
- 10.8.12 When applicable, this penalty for late filing shall be required on all applications regardless of whether or not an accreditation fee is required. This penalty for late filing shall not apply to accreditation applications filed by individual members for out-of-state CLE activities.
- 10.9 Initial Accreditation Determination. An applicant for accreditation shall bear the burden of proof that the program is entitled to receive MCLE accreditation, including the burden as to the amount and type of credit to be received. A lack of information is a sufficient basis to deny accreditation. The Director of MCLE is empowered to review and pass upon applications and to grant or deny accreditation. The Director has the discretion to refer an application to the Committee or to a panel of the Committee members as the chairperson may, from time to time designate; and, a panel to which an application has been referred may in turn refer the application to the full Committee for determination. Minimum accreditation application fees and late fees are nonrefundable even if accreditation is denied.
- 10.10 Denial of Accreditation and Internal Committee Review Process.
- Upon denial of accreditation, the applicant shall be notified in writing that the applicant may seek reconsideration. Within 30 days after notification has been mailed that credit has been denied, the applicant must file with the MCLE Director a written appeal and a non-refundable filing fee in the amount of \$50 for sponsor submitted appeals and \$25 for member submitted appeals, or the denial of accreditation shall be final. Checks for filing fees shall be made payable to the order of the State Bar of Texas. The written appeal shall set forth, or include in a separate brief, argument as the applicant wishes to make as to why credit should be granted and the initial decision was erroneous. The appeal and separate brief, if any, may be submitted in letter form. The applicant may submit additional documents or other evidence that was not presented previously. Based upon the additional information submitted, the Director has the discretion to grant the appeal and grant accreditation without referring the matter to the MCLE Committee, except when the MCLE Committee made the initial determination. The Director may refer the appeal to the Committee or

to a panel of the Committee members as the chairperson may, from time to time designate; however, if the initial determination to deny credit was made by a panel, reconsideration may not be conducted by a panel. The applicant may appear before the Committee to give oral argument. Written notification of the decision of the MCLE Committee regarding the appeal shall be mailed to the applicant. Upon timely exhaustion of the internal Committee review procedures as set forth in this paragraph, the applicant may appeal a denial of credit to the Board of Directors of the State Bar of Texas as provided below.

10.11 Review by the Board of Directors.

10.11.1 Request for Review to the Board of Directors.

Within 30 days after the mailing of written notification that the appeal was denied in whole or part, an applicant may file a written request for review with the Executive Director of the State Bar of Texas, together with a non-refundable filing fee of \$50.00. Failure to timely file the request for review and pay the filing fee waives review and causes the decision of the MCLE Committee to be final. The request for review shall set forth the reasons why the applicant believes that the determination to deny credit was erroneous and credit should be granted. Letter form of the request for review is sufficient, and the request for review shall not exceed 10 typewritten, double-spaced pages in length. The applicant may not submit new documentation or information regarding the program, for the review must be based only on the record submitted to, and considered by, the MCLE Committee. The MCLE Committee shall have 30 days after the filing of the request for review in which it may reverse its decision. If the decision is not reversed, the MCLE Committee shall prepare a record of the proceedings, which shall include the application for accreditation and other documents or evidence submitted to the MCLE Committee prior to its reconsideration, relevant correspondence, the appeal and any written argument presented to the MCLE Committee. The MCLE Committee shall set forth a summary of the record of the proceedings before the MCLE staff and Committee, together with the response of the Committee to the request for appeal, which may include the factors and reasons considered in making its decision as well as argument and other matters that the Committee believes are relevant including the impact that granting credit would have on other programs.

10.11.2. Referral to Appeals Committee; Standard of Review. If the request for review is filed timely, the Executive Director shall forward the request for review, the record of the MCLE Committee proceedings, and the response by the MCLE Committee to the Appeals-Grant Review Subcommittee of the Board of Directors of the State Bar of Texas. The Appeals-Grant Review Subcommittee shall review such materials and may hear oral argument from the applicant and the MCLE Committee or its representatives. The Appeals-Grant Review Subcommittee shall uphold the decision of the MCLE Committee unless the applicant proves by a substantial evidence standard that the decision of the MCLE Committee was incorrect. The Appeals-Grant Review Subcommittee may not substitute its judgment for that of the MCLE Committee and may consider only the record on which the MCLE Committee based its decision. The MCLE Committee's

findings, inferences and conclusions are presumed to be supported by substantial evidence, and the applicant bears the burden of showing a lack of substantial evidence.

10.11.3 Recommendation of Appeals Committee and Board Action. The Appeals-Grant Review Subcommittee shall make its recommendation to the Board of Directors of the State Bar of Texas. The final decision on the appeal shall be made by the Board of Directors. Within 15 days after the Board's determination, the Executive Director shall notify the applicant and the Director of MCLE of the Board's decision.

11.0 EFFECTIVE DATE

The effective date for this set of regulations shall be June 1, 2015.

TEXAS LAWYERS ASSISTANCE PROGRAM

POLICIES AND PROCEDURES

(October 14, 2014)

Statutory and Administrative Authority

Under the authority of *Tex. Health and Safety Code Ch. 467* , The Texas Lawyers Assistance Program (TLAP) was established as the approved peer assistance program by the State Bar of Texas in 1989. Pursuant to Chapter 467, the Department of State Health Services promulgated rules governing peer assistance programs in Texas. *Tex. Admin. Code, Title 25, Part 1, Ch. 451* . These Policies and Procedures govern operations of TLAP and are in accordance with the requirements set forth in those rules.

Policies and Procedures (Rule 451.110 (a), (b) and (d))

1. TLAP maintains, and operates according to, policies and procedures that comply with requirements of the Texas Department of State Health Services, the Texas Legislature and/or the State Bar of Texas.
2. The purpose of these policies and procedures is to comply with Chapter 451 of the Texas Administrative Code. In addition to these policies and procedures, a TLAP employee handbook will be maintained that includes internal methods of operation, protocols and forms.
3. One professional who is recovering from chemical dependency and one professional who has recovered from mental illness will be involved in the development and revisions of the policies and procedures. These professionals may be staff or members of the Lawyers Assistance Committee of the State Bar of Texas.
4. TLAP's policy and procedures shall be kept current and staff shall have access to applicable information.

Relationship to Licensing/Disciplinary Authority (Rule 451.104)

TLAP was established and is governed by the State Bar of Texas, the licensing and disciplinary authority for lawyers in Texas. Every three years, TLAP will submit documentation to the State Bar of Texas' General Counsel demonstrating compliance with minimum criteria established by the Texas Department of State Health Services, the Texas Legislature and/or the State Bar of Texas.

Organization (Rule 451.107)

1. The State Bar of Texas is the governing body of TLAP and is legally responsible for the management, services and operations of the program. No employee of the State Bar of Texas may have the potential for direct financial gain from the services provided by TLAP.
2. The Director of TLAP will serve as the program's administrator responsible for its day-to-day operations.
3. Financial records are maintained by the State Bar of Texas in accordance with generally accepted accounting principles, and include TLAP's annual budget, as well as records of income and expenditures.

Program Description (Rule 451.109)

1. The goal of TLAP is to help and find supportive services for lawyers, judges and law students whose ability to perform professionally or academically is impaired by any clinical disorder as defined by the Diagnostic and Statistical Manual of Mental Disorders 5 th edition or subsequent editions (hereafter "mental illness") or chemical dependency on drugs or alcohol, as well as to provide education regarding these impairments to the legal profession.

2. TLAP's target population is comprised of Texas licensed lawyers, law students attending a Texas law school and judges whose ability to perform professionally or academically is impaired by mental illness, and/or chemical dependency on drugs or alcohol. TLAP services are provided to these lawyers and judges regardless of status with their respective licensing or disciplinary authorities. Formal diagnosis of a clinical disorder by a medical or mental health professional is not a precondition to accessing the services of TLAP.

3. TLAP ensures statewide accessibility of services by:

(a) Operation of a toll free helpline, 1-800-343-8527, which is available to lawyers, judges and law students who are challenged by chemical dependency on drugs or alcohol and/or mental illness, as well as others who are concerned about these impairments, throughout Texas and the United States.

(b) Operation of a toll free helpline, 1-800-219-6474, which is available to Texas judges who are challenged by chemical dependency on drugs or alcohol and/or mental illness, as well as to those concerned about them.

(c) Maintaining a statewide pool of trained volunteer attorneys, law students and judges who assist impaired colleagues.

(d) Maintaining a statewide database of professional resources for the purpose of referrals.

(e) Maintaining a webpage on the State Bar of Texas' website with current information about TLAP and its services, as well as educational information.

(f) Disseminating information regarding TLAP, its services and educational programming through the State Bar of Texas' print, online and social media outlets.

(g) Conducting presentations to bar associations, law firms and law schools throughout the state about TLAP, its services and the issues it addresses.

4. Methods for program operation: (Rules 451.109(4) and 451.110(c))

(a) Identification - Identification of impaired professionals and students is determined by means of an information evaluation of all information provided thru confidential reports by concerned others and by self-reports. TLAP staff speak with those seeking help and, utilizing a statewide volunteer network, assigns volunteer attorneys to work face-to-face with the impaired lawyer to assist in recovery. When indicated, TLAP refers the attorney to appropriate professional assistance in his or her local community, including inpatient or outpatient treatment, professional counseling and/or medical treatment.

(b) Outreach - TLAP utilizes different types of outreach based upon the impairment and its severity:

- Peer Outreach is defined as outreach, typically in person, by two or more TLAP volunteers and/or TLAP staff to a lawyer, judge or student who may be impaired by chemical dependency on drugs or alcohol to express concern for the professional and to offer assistance and resources for recovery. TLAP utilizes Peer Outreach only for potential issues of chemical dependency on drugs or alcohol.

- Staff Outreach is conducted by TLAP staff with a lawyer, judge or law student who may be impaired by substance abuse, chemical dependency, and/or mental illness in order to express concern for the professional and to offer assistance and resources for recovery.

- TLAP shall not sponsor, conduct, finance, or participate in any formal intervention on an impaired lawyer, judge, or law student. No person acting in his or her capacity as a TLAP employee or volunteer may sponsor, conduct, finance, or participate in a formal intervention on an impaired lawyer, judge, or law student. Provided, however, TLAP employees and volunteers are not prohibited from participating in a formal intervention on an impaired lawyer, judge, or law student if the employee or volunteer has not previously contacted or otherwise interacted with the impaired lawyer, judge, or law student in their capacity as a TLAP employee or volunteer and is participating in the intervention in their personal capacity only.

(c) Assistance with accessing treatment - TLAP provides assistance in accessing treatment through:

- Educational and motivational discussions aimed at moving the individual to appropriate treatment resources. TLAP staff use their best judgment in providing information and suggestions regarding treatment options, and always provides multiple referral resources for mental illness and chemical dependency issues.

- TLAP shall establish and maintain a roster of professional interventionists meeting the criteria approved by the TLAP committee, to whom lawyers or family members desiring an intervention on a lawyer, law student, or judge may be referred. TLAP shall verify annually that each professional interventionist named on such roster has in force a policy of professional liability insurance providing liability coverage in an amount to be determined by the TLAP committee. The name of any professional interventionist who shall be determined not to have such insurance coverage in force shall be removed from the roster described above.

- Collaboration with entities that provide financial assistance to TLAP's target population, including the Texas Lawyers Concerned for Lawyers' Sheeran Crowley Memorial Trust.

(d) Monitoring - TLAP does not provide monitoring services but may provide to the Texas Board of Law Examiners (hereafter "BLE") and the State Bar of Texas Chief Disciplinary Counsel's (hereafter "CDC") office the names of attorneys who are able and willing to serve as monitors. TLAP may also recommend to both these entities certain TLAP volunteers to act as monitors for the recovery conditions present in a monitoring contract; PROVIDED, however, that no person may serve as the monitor of an impaired professional in whose case he acts or has acted as a TLAP volunteer. The BLE and CDC provide monitoring services for participants. TLAP provides support services to all monitored participants independent of the monitoring contract. These support services are provided to individuals under conditions of absolute confidentiality.

(e) Assistance in Crises - TLAP provides supportive services to lawyers, judges and law students who may be in crisis through its toll-free helpline which is operated by TLAP professional staff, all of whom have been trained in crisis counseling and

suicide crisis management. Services set forth in preceding subsections (a), (b) and (c) are available to those in crisis or are experiencing relapse.

(f) Re-entry - TLAP provides support for lawyers, judges and law students who are in the process of re-entry into the profession. This may occur through regular contact by TLAP professional staff, TLAP volunteers, and referrals to treatment or mental health professionals and support groups.

(g) Drug Testing - TLAP does not conduct or supervise a drug-testing program.

TLAP will internally review and evaluate compliance with these policies and procedures on an annual basis. As needed, the State Bar of Texas may have TLAP formally evaluated by the American Bar Association's Commission on Lawyer Assistance Programs.

TLAP promotes its services through the State Bar of Texas' print, online and social media outlets, as well as through public speaking engagements and the distributions of promotional and educational materials to SBOT CLE seminars, local bar associations, law firms and law schools.

Staffing (Rule 451.108)

1. TLAP will maintain an adequate number of staff to effectively administer and provide services.

2. Each TLAP staff position will have a written job description that specifies duties, responsibilities and minimum qualifications.

3. Only individuals who meet the position's minimum qualifications may be employed by TLAP.

4. TLAP staff member applications must document required training, education and work experience.

5. The TLAP Director provides supervision and annual performance reviews of TLAP staff. The TLAP's Division Director will provide supervision and performance reviews of the TLAP Director.

6. All TLAP staff will receive training regarding program and participant confidentiality as soon as possible following employment with the program. Staff who will provide supportive services directly to participants must complete eight hours of training prior to beginning work with participants. At least five of these hours must be conducted by a mental health professional and include the following topics:

(a) chemical dependency on drugs or alcohol and mental illness, including appropriate treatment;

(b) guidelines for identification; and

(c) outreach and crisis assistance skills.

7. TLAP will maintain documentation of training requirements set forth in paragraph 6 above and the State Bar of Texas' Human Resources Department will maintain documentation of requirements set forth above in paragraphs 1 through 5.

Program Operation (Rule 451.110(c))

1. State Bar of Texas' Role

TLAP is a program of the State Bar of Texas, the licensing authority for lawyers in

Texas. SBOT provides funding for, and administrative oversight of, TLAP which is located within sequestered and locked office space in the State Bar building at 1414 Colorado Street, Austin, Texas. All information regarding those using TLAP's services, individuals calling out of concern for an impaired lawyer, judge or law students, as well as TLAP's volunteers are held confidential from all other SBOT departments and programs.

2. Confidentiality

TLAP shall not share confidential information with any person who is not a TLAP staff member or TLAP volunteer who has completed TLAP volunteer training without written permission from the impaired professional and/or other interested party. As a condition of completing TLAP volunteer training, all TLAP volunteers shall signify by written acknowledgment their understanding of and promise to observe this policy of absolute confidentiality, shall acknowledge that he or she does not possess the personal discretion to vary from the terms of the policy, and promise not to reveal confidential information to any person who is not a TLAP staff member or TLAP volunteer who has completed TLAP volunteer training. TLAP shall maintain one or more files containing these written acknowledgments signed by all TLAP volunteers.

3. Compliance with authorities – TLAP complies with all applicable state and federal legal authority and regulations.

4. Eligibility criteria – Members of TLAP's target population who are experiencing issues related to chemical dependency on drugs or alcohol and/ or mental illness are eligible for services.

5. Diagnoses accepted – All diagnoses involving chemical dependency on drugs or alcohol and/or mental illness as defined above are accepted.

6. Required formal agreements – TLAP does not require formal agreements of those utilizing its services. If a participant requests that information be disclosed, disclosure of information forms mandated under state and federal law will be obtained.

7. TLAP processes – The following information contains descriptions of TLAP processes when providing services to Texas lawyers, judges and law students:

(a) Referrals: see Treatment Resources below

(b) Outreach: see Program Operation above

(c) Drug Testing: see Program Operation above

(d) Treatment: see Program Operation above

(e) Return to work: see Program Operation above

(f) Crisis and Relapse: see Program Operation above

(g) Noncompliance: Because TLAP is a voluntary program, no determination is made regarding a professional's compliance or noncompliance with any TLAP program or service.

(h) Dismissal: Because TLAP is a voluntary program, dismissal is not an issue.

(i) Moving out of state: If requested by a participant, TLAP staff will provide contact information and referrals to another state's lawyers' assistance programs.

(j) Completion: Because TLAP is a voluntary program, completion of any TLAP program or service is not an issue.

8. Role in accessing treatment – see Program Operation above

9. Participant records and related documentation – TLAP maintains limited records and related documentation regarding its activities. TLAP maintains the confidentiality of any record kept in accordance with all these policies and procedures and applicable state and federal law. TLAP follows its record retention schedule set by the State Bar of Texas with any record it maintains. Any licensed mental health therapist employed by TLAP shall also maintain the confidentiality of records kept pursuant to their individual licensing requirements.

10. Relationship to reporting parties – TLAP will not report information to reporting parties except pursuant to a written authorization or release from the impaired lawyer, judge or law student. Because TLAP does not mandate that an individual participate in any program required by the appropriate licensing or disciplinary authority, TLAP makes no reports pursuant to Rule 451.105 (b) and (c).

11. Treatment referral resources – see Treatment Resources below

Treatment Resources (Rule 451.111)

1. Neither TLAP nor any individual associated with it shall accept compensation for referrals. Compensation includes: pay; anything of value; and any other form of benefit or consideration.

2. Process for selecting treatment resources – TLAP staff shall interview each referral resource and maintain documentation of that interview to determine that the resource is in good standing with their respective licensing authorities and maintains current malpractice liability insurance.

3. Documentation – TLAP shall maintain descriptions of referral resources' education, specialization, therapeutic modalities, and fee structure.

2015 Texas Access to Justice Commission Roster

Prefix	First Name	Last Name	Title
Mr.	Harry M.	Reasoner	01-Chair
Mr.	James B.	Sales	01-Emeritus Chair
Ms.	Cristy A.	Arcscott	02-Member
Justice	Gina M.	Benavides	02-Member
Ms.	Claudia Kay Carter	Caballero	02-Member
Mr.	Carlos Eduardo	Cárdenas	02-Member
Ms.	Lourdes	Flores	02-Member
Justice	Eva Martinez	Guzman	02-Member
Mr.	John V.	Jansonius	02-Member
Mr.	Roland K.	Johnson	02-Member
Ms.	Monica	Karuturi	02-Member
Ms.	Harriet Ellan	Miers	02-Member
Judge	Eric V.	Moyé	02-Member
Ms.	Jackie	Pontello	02-Member
Ms.	Jenny Lee	Smith	02-Member
Mr.	Scott P.	Stolley	02-Member
Ms.	Lisa M.	Tatum	02-Member
Mr.	Wayne	Watts	02-Member
Justice	Ken P.	Wise	02-Member
Mr.	Jimmy	Blacklock	04-Ex-Officio Member
Representative	Sarah M.	Davis	04-Ex-Officio Member
Senator	Rodney	Ellis	04-Ex-Officio Member



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OF TEXAS
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May 29, 2015

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Harry M. Reasoner
Houston

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Cristy A. Aracott
Tyler

Hon. Georgina M. Benavides
Edinburg

Hon. Al Bennett
Houston

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Lubbock

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Austin

Pedro J. Fierro
Midland

Hon. Eva Guzman
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Dallas

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San Antonio

Harriet E. Miers
Dallas

Timothy W. Mountz
Dallas

Jacqueline M. Pontello
Houston

Jenny Lee Smith
Austin

Richard L. "Dick" Tate
Richmond

Wayne Watts
Dallas

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For the Lieutenant Governor
Hon. Rodney Glenn Ellis
Houston

For the Speaker of the House
Hon. Sarah Davis
Houston

CHAIR EMERITUS

James B. Sales
Houston

EXECUTIVE DIRECTOR

Patricia E. McAllister
Austin

The Supreme Court of Texas
Attn: The Honorable Blake Hawthorne
Supreme Court Building
201 West 14th Street, Room 104
Austin, Texas 78701

Dear Justices of the Supreme Court of Texas:

Re: Report of the Texas Access to Justice Commission to the Supreme Court of Texas for the period December 1, 2014, to May 31, 2015

On behalf of the Texas Access to Justice Commission ("Commission"), I submit the accompanying report of Commission activities from December 1, 2014, to May 31, 2015. The report includes information in the appendices from the State Bar of Texas and the Texas Access to Justice Foundation on their access to justice initiatives.

The leadership of the Supreme Court of Texas and the State Bar of Texas on access to justice matters is exemplary, and as we learned at the recent Equal Justice Conference in Austin, the envy of many states. We remain grateful for your commitment to achieving justice for all regardless of income.

The Commission is available to meet with the members of the Supreme Court of Texas to discuss its activities or answer any questions.

Very truly yours,

Harry M. Reasoner
Chair
Texas Access to Justice Commission

c: E. A. "Trey" Apffel III, Esq.
President, State Bar of Texas
Apffel Law Firm
1406 W. Main Street
League, City, Texas 77573

Justices, The Supreme Court of Texas
Page 2
May 29, 2015

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Austin, Texas 78701

Commissioners, Texas Access to Justice Commission



EXECUTIVE SUMMARY

A REPORT TO THE SUPREME COURT OF TEXAS ON THE ACTIVITIES OF THE TEXAS ACCESS TO JUSTICE COMMISSION DECEMBER 1, 2014, TO MAY 31, 2015

Increasing Access to Justice through Capacity Building

Corporate Counsel Committee

The Corporate Counsel Committee raised \$70,000 in unrestricted funds for the Texas Access to Justice Foundation through the Charity Golf Classic at the La Cantera Hill Country Resort in San Antonio. The golf tournament has been a partnership with the General Counsel Forum for the past three years. However, the Commission evaluated the effectiveness of the partnership after the tournament and has decided not to participate in the next golf tournament. Soliciting the same firms for the tournament and for the annual gala has become increasingly difficult. The proceeds from the tournament for access to justice are only a fraction of what is raised. The Committee feels it can raise funds more effectively in another manner.

Law School Advisory Committee

Incubators: Legal incubators provide support and training for recent attorney graduates who are starting solo or small firm practices and are a growing trend to help fill the access to justice gap. The Commission is working with all ten law schools to study various incubator project models that help both new attorneys and low-income Texans with civil legal problems and to determine the feasibility of implementing one or more incubators in Texas. The Commission and four Texas law schools attended the international incubator conference in San Diego in February.

Access to Justice Summer Internship Program: Ten law students will gain meaningful experience this summer working throughout the state at American Gateways, Legal Aid of NorthWest Texas, Mosaic Family Services, ProBAR, South Texas Civil Rights Project, Texas Civil Rights Project, and Texas RioGrande Legal Aid. The success of the internship program has promoted an increased awareness of access to justice issues amongst law students and has ignited interest in many law students to work in legal services upon graduation.

Pro Bono Spring Break: For the first time, all the Texas law schools sent at least two students to participate in Pro Bono Spring Break, where students practice the legal skills they are learning, such as advocacy, client interviewing, and legal decision-

making in real world situations serving low-income Texans at legal aid programs throughout the state. There was a big jump in applicants this year. A total of 83 students expressed an interest in attending, and we were able to place 66 students in 10 different cities with 11 different legal aid organizations. We owe a special thanks to American Gateways, Aid to Victims of Domestic Abuse, Dallas Volunteer Attorney Program, Disability Rights Texas, Human Rights Initiative of North Texas, Legal Aid of NorthWest Texas, Legal Hospice of Texas, Lone Star Legal Aid, Mosaic Family Services, Texas Civil Rights Project, and Texas RioGrande Legal Aid for hosting the students and providing the valuable expertise and supervision needed to make this program such a success.

Supreme Court Task Force on Uniform Forms

The 84th Legislature approved two bills that asked the Court to promulgate forms for use by pro se litigants in landlord-tenant matters and in estate planning and probate matters. The bills were reviewed by members of the Real Estate Probate and Trust Law Section of the Bar, this Court, and legal aid attorneys practicing in those areas. The Commission looks forward to working with the Court and all interested parties on the forms.

Technology Committee

In partnership with the Texas Young Lawyers Association and the three Legal Services Corporation providers, the Committee is working on a Distance Lawyering Project (formerly known as the Remote Access Project) to connect urban attorneys with rural pro bono clients. Volunteer attorneys can sign up at www.TYLA.org/DistanceLawyering. TYLA continues to work on recruiting volunteers.

Increasing Access to Justice through Policy and Best Practice Initiatives

Legislative Committee

State Funding for Basic Civil Legal Services: During the 2014 interim session, ATJ teams visited with key legislators in their district and capitol offices to discuss civil legal aid and the need for continued support and funding. An educational breakfast was held for first- and second-term Representatives on how legal aid helps their constituents. Two weeks later, ATJ Day at the Capitol was held with teams visiting 27 legislative offices, including members of Senate Finance, Senate State Affairs, House Appropriations, and House Judiciary & Civil Jurisprudence, along with a noon press conference. ATJ Day also coincided nicely with the Chief Justice's State of the Judiciary.

At this time, it appears that the 84th Legislature will approve \$17.56 million for basic civil legal services in the Court's budget as well as \$3 million for veteran legal aid grants, and \$10 million for victims of sexual assault and human trafficking. In addition to the Court's budget items, the Legislature approved amendments to the Chief Justice Jack Pope Act to expand the type of civil penalties and payments that

could be received by the Attorney General's Office. These amendments have been sent to the Governor for approval.

Non-Funding Access to Justice Initiatives: In addition to the form bills previously mentioned, the Commission supported several non-funding bills that will help low-income Texans address their civil legal needs. All bills await or are on their way to the Governor for signature, including the creation of a transfer on death deed that allows real property owners to transfer clear title to their property to a designated beneficiary outside the probate process upon their death. A transfer on death deed is beneficial to low-income homeowners who cannot afford the expense of a will or probating a will. It also benefits communities because these properties are often abandoned due to cloudy title issues arising from multiple heirs which are too costly and time consuming to correct. A transfer on death deed provides an easy, low-cost solution to these problems and, if approved by the Governor, is expected to help thousands of low-income Texans stay in their homes and pass clear title upon their death.

Additionally, banks are now required to more effectively disclose to their customers the option of having payable on death accounts which allow account assets to pass directly to a named beneficiary without going through probate. For many low-income Texans, the amount in the account is less than the cost of probate but would still be a significant amount to their heirs. These modifications, approved by the Governor and effective September 1, 2015, will ultimately lead more low-income Texans to choose POD accounts and obtain the funds without expense.

Banks will also be required to release a decedent's bank account balance upon court order. Low-income Texans who wish to proceed in probate court under a small estate affidavit need to show that the estate assets outweigh its debts. If approved by the Governor, heirs may petition the court, or a court may do so on its own motion, to order a bank to disclose bank balance information so the heirs can make this determination.

Federal Funding for the Legal Services Corporation: In conjunction with the State Bar of Texas and the Texas Access to Justice Foundation, the Commission met with 37 of the 38 Texas Congressional members during the annual ABA Days to seek support for \$452 million in LSC funding. In early May, the full House Appropriations Committee marked up the Commerce, Justice, Science and Related Agencies subcommittee bill, which included \$300 million for 2016 LSC funding. This amount is a devastating reduction of \$75 million (20 percent) from the current \$375 million level. The Senate has not yet come out with its recommendation.

Increasing Access to Justice through Fund Development and ATJ Awareness

Awards Committee

On April 7, Chief Justice Nathan Hecht presented awards to three remarkable individuals at the annual Champions of Justice Gala Benefiting Veterans. Peter Hofer, senior litigation attorney at Disability Rights Texas, was presented the James B. Sales Boots on the Ground award for his 15-year commitment to making life better for Texas children with disabilities and chronic health conditions. Former Chief Justice Wallace Jefferson was presented the Emily C. Jones Lifetime Achievement award for his tireless work in creating greater transparency, accessibility, and equality in the state's courts. James B. Sales, former Chair of the Commission, Marine, State Bar president, and UT Law School graduate, received the Emily C. Jones Lifetime Achievement award for his extraordinary dedication to improving access to justice in Texas.

Development and Fund Raising Efforts

Access to Justice Contribution Campaign: As of May 15, 2015, the Access to Justice Campaign has raised \$415,735 from 2,858 donors. The good news is that we have raised \$129,404 more than at this same point last year. However, attorney participation remains relatively low, with only 7.27% of attorneys giving thus far.

The Champion of Justice Law Firm Competition is in its third year with over 90 firms competing. Firm champions were provided a tool kit of campaign communications designed to help them personally reach out to their colleagues and ask for contributions to the ATJ Campaign. This year, firms were encouraged to hold a jeans day to raise ATJ awareness among all staff. The firm jeans day raised \$8,669.

The Champion of Justice Society is also in its third year and is enjoying strong growth. Society levels were renamed to tie in more of the hero/champion messaging, and additional benefits were added to create more differentiation between levels. There are currently 350 members, representing an increase of 236 members at this same point in time last year. Membership is on a rolling annual basis and many memberships are coming due. Our goal is to secure 100% renewal and continue to grow the Society with new members. These donors will be honored at the Access to Justice Reception to be held on Thursday, June 18, 2015, at 5:00 p.m. at the Grand Hyatt San Antonio during the State Bar's Annual Meeting.

Champions of Justice Gala Benefiting Veterans: The Commission and its co-sponsor, the State Bar of Texas, hosted the annual Champions of Justice Gala Benefiting Veterans on Tuesday, April 7, at the AT&T Executive Education and Conference Center in Austin. University of Texas System Chancellor William McRaven, a retired four-star U.S. Navy admiral, powerfully outlined the sacrifices Veterans make for Americans and the vital differences legal aid can make for Veterans upon their return home. The State Bar generously underwrote the event, which raised \$401,700.

REPORT



**A REPORT TO THE SUPREME COURT OF TEXAS ON
THE ACTIVITIES OF THE TEXAS ACCESS TO JUSTICE COMMISSION
DECEMBER 1, 2014, TO MAY 31, 2015**

CAPACITY BUILDING EFFORTS

Corporate Counsel Committee

The Corporate Counsel Committee, chaired by Wayne Watts, Senior Executive Vice President and General Counsel of AT&T, raised funds for the recent Charity Golf Classic benefitting the Texas Access to Justice Foundation. The event was held in partnership with the General Counsel Forum on November 20, 2014. Golfers were treated to a day on the greens at the beautiful La Cantera Hill Country Resort in San Antonio. The tournament raised \$70,000 in unrestricted funds for civil legal aid.

Afterwards, the Commission evaluated the effectiveness of the partnership with the Forum and made the decision not to participate in the next golf tournament. The Corporate Council Committee invests a significant amount of time securing sponsorships for the annual TAJC gala. Increasingly, there has been resistance by donors to being solicited twice. Only a fraction of what is raised by the golf tournament goes to civil aid. The Committee felt that it would be able to raise funds more effectively and efficiently by concentrating on the annual gala.

Law School Advisory Committee

The Law School Advisory Committee is chaired by Harry Reasoner, Chair of the Commission and Partner at Vinson & Elkins.

Access to Justice Summer Internship Program

The Commission, the State Bar of Texas, and the Texas Bar Foundation continue to fund and administer the Texas Access to Justice Internship Program, which allows interns to work for legal aid organizations in both urban and rural locations. The Commission selected ten law students, who will work throughout the state at American Gateways, Legal Aid of NorthWest Texas, Mosaic Family Services, ProBAR, South Texas Civil Rights Project, Texas Civil Rights Project, and Texas RioGrande Legal Aid.

Law students will receive hands-on training and work with accomplished lawyers to provide direct services to low-income clients. The success of the internship program has promoted an increased awareness of access to justice issues amongst law

students and has ignited interest in many law students to work in legal services upon graduation. All of the interns participated in an orientation by webinar in May 2015. This orientation covered basic professional responsibility and ethics rules, as well as important information to know before embarking on a summer serving the poor.

Incubators

Legal incubators provide support and training for recent attorney graduates who are starting solo or small firm practices and are a growing trend to help fill the access to justice gap. The Commission has developed an incubator initiative to study the incubator movement in order to determine the types of incubator projects that could help both new attorneys and low-income Texans in need of civil legal aid and the feasibility of implementing one or more incubators in Texas. All ten law schools are participating and have met twice thus far. Faculty representatives from four Texas law schools accompanied Kristen Levins, Commission staff attorney, to the international incubator conference, "Enhancing Social Justice through Development of Incubators and Residency Programs," in San Diego in February 2015.

Pro Bono Spring Break

The Law School Advisory Committee is pleased to report another very successful Pro Bono Spring Break program. Students from all ten Texas law schools dedicated their spring break weeks to practice the legal skills they are learning, such as advocacy, client interviewing, and legal decision-making in real world situations serving low-income Texans.

Five law schools had spring break March 9-13 while the other five were on break March 16-20. For the first time, all the Texas law schools sent at least two students to participate in Pro Bono Spring Break. There was a big jump in applicants this year, with a total of 83 students expressing an interest in attending. The Commission was able to place 66 students who worked in 10 different cities with 11 different legal aid organizations.

Law students from Baylor, SMU, St. Mary's, Texas A&M, and the University of North Texas spent March 9-13 helping low-income Texans in Austin, Dallas, Fort Worth, Houston, San Angelo, and Wichita Falls. Law students from Thurgood Marshall, South Texas, Texas Tech, University of Houston, and the University of Texas followed up during March 16-20 by assisting people in Austin, Belton, Dallas, Fort Worth, Houston, Lubbock, Midland, and San Antonio.

The Commission owes a special thanks to American Gateways, Aid to Victims of Domestic Abuse, Dallas Volunteer Attorney Program, Disability Rights Texas, Human Rights Initiative of North Texas, Legal Aid of NorthWest Texas, Legal Hospice of Texas, Lone Star Legal Aid, Mosaic Family Services, Texas Civil Rights Project, and Texas RioGrande Legal Aid for hosting the students and providing the valuable expertise and supervision needed to make this program such a success.

Tyler Flynn, a 3L from Texas A&M, had this to say about his experience:

The highlights of my week were tied with my involvement with the legal clinics offered by [Dallas Volunteer Attorney Program]... I was able to sit face to face with applicants, in dire need of someone to talk to about their legal issues, and interview them about their situations. These clinics revealed that legal issues impact everyone, regardless of financial and social status. Knowing that at the conclusion of each clinic I was responsible for initiating the process to receive legal aid to those who would have never dreamed that they could afford legal aid was of itself the most rewarding experience of the week.

Legal Training Programs Committee

The Legal Training Programs Committee is chaired by Reagan Brown of Norton Rose Fulbright.

On June 10-12, 2015, the Commission and the American College of Trial Lawyers (ACTL) will partner to host the eleventh trial skills academy. The 2015 academy will focus on pre-trial skills, including depositions, evidence, and mediation. Texas ACTL Fellow Reagan Brown is the course director for the Pretrial Academy and has created a unique program designed especially for legal services practitioners. The Pretrial Academy will be taught by Texas Fellows of the ACTL and will be conducted at the University of Texas School of Law.

During this three-day training program, participants will observe trial skill demonstrations by experienced litigators from the ACTL. Following the demonstrations, the participants have the opportunity to discuss strategy and tactics with the Fellows. Then the participants practice the demonstrated skills and receive personalized professional critiques designed to develop and refine litigation techniques. To ensure adequate time for participation and personalized critique, the program has been limited to 30 legal aid attorneys.

Supreme Court Protective Order Task Force

Legislation arising out of the 84th Legislature may require minor revisions to the Protective Order Kit. The Task Force will meet once the session has ended to determine if any changes are needed. If so, it will draft revisions and submit them to the Court for approval.

Supreme Court Task Force on Uniform Forms

The 84th Legislature approved two bills that authorize the Court to promulgate forms for use by pro se litigants. Senate Bill 478 by Senator Judith Zaffirini and House Bill 1851 by Representative Senfronia Thompson relate to the promulgation of forms in landlord-tenant matters. Senate Bill 512 and House Bill 2196 by the same two authors relate to the promulgation of forms in probate matters. Both bills were reviewed by members of

the Real Estate Probate and Trust Law Section of the State Bar, this Court, and legal aid attorneys who practice in those areas. The bills are expected to be signed by the Governor. The Commission looks forward to working with the Court and all interested parties on these forms.

Technology Committee

The Technology Committee is chaired by Michelle Cheng, Partner at Whitehurst, Harkness, Brees, Cheng, Alsaffar & Higginbotham, and explores using technology to increase efficiency and effectiveness of the legal service delivery system for the poor in Texas. The Committee is currently working on a Distance Lawyering Project (DLP) to connect urban attorneys with rural pro bono clients. Formerly known as the Remote Access Project, DLP is partnering with the Texas Young Lawyers Association (TYLA) and the three Legal Services Corporation providers in Texas. DLP officially rolled out in mid-December of last year. Volunteer attorneys can sign up at www.TYLA.org/DistanceLawyering, which was created by Texas RioGrande Legal Aid (TRLA) staff. TYLA continues to work on recruiting volunteers. DLP is currently rolled out as a pilot project in TRLA's service area. After DLP gets off the ground, the committee plans to roll out the project to the other two LSCs. See Exhibit A.

INCREASING ACCESS TO JUSTICE THROUGH POLICY AND BEST PRACTICE INITIATIVES

Legislative Committee

The Legislative Committee, chaired by Harriet Miers of Locke Lord LLP, assists the Commission in developing and advocating a legislative agenda to ensure successful legislation and funding for legal services to the poor.

State Funding for Basic Civil Legal Services

During the 2014 interim session, ATJ teams visited with many legislators and their staff members in their district and capitol offices to discuss civil legal aid and the need for continued support and funding.

The Commission also held an ATJ breakfast for first- and second-term Representatives on February 3, 2015, to educate representatives and their staff about how civil legal aid helps their constituents. All members of the Court came out to show their united support of legal aid. The breakfast was a success by all accounts.

Two weeks later on February 18, ATJ Day at the Capitol was held. Teams visited with 27 legislative offices, including members of Senate Finance, Senate State Affairs, House Appropriations, and House Judiciary & Civil Jurisprudence. The ATJ teams were well received, and the Chief Justice's State of the Judiciary and the ATJ

press conference held on the same day made for a wrap-around access to justice day at the state capitol.

The Commission is grateful that the Supreme Court's baseline budget included \$17.56 million for basic civil legal services at the opening of the 84th Legislative Session. The Court also included two exceptional items for civil legal services: \$4 million over the biennium for veteran legal aid grants and \$5 million to provide legal aid to sexual assault and human trafficking victims. Legislative Committee members worked throughout the session to gain support for the Court's full budget by members of the House Appropriations and Senate Finance committees, along with the entire legislative body. At this time, the Commission is hopeful that the Legislature will approve \$17.65 million for basic civil legal services, \$3 million for veteran legal aid grants, and \$10 million for victims of sexual assault and human trafficking.

In addition to the Court's budget items, a bill to improve the 2013 Chief Justice Jack Pope Act was filed in both the House and Senate. Improvements to the Act include the receipt of civil penalties and payments received by the Attorney General for other violations of the Business and Commerce Code. The bill does not capture funds already designated to other entities under separate statutes, nor does it reduce funds authorized by law to be retained by the Attorney General for investigation costs and attorney's fees. It was recently sent to the Governor for signature.

Non-Funding Access to Justice Initiatives

This year the Commission also supported several non-funding bills that would help low-income Texans address their civil legal needs. The House Judiciary and Civil Jurisprudence Committee asked the Commission to testify on the ability of low-income Texans to access the probate system in April 2014. As a result, an interim task force was convened over the summer to look at ways to improve access to probate and alternatives to probate. Three bills arose from the group:

Transfer on Death Deed: Senator Joan Huffman and Representative Jessica Farrar put forth a bill creating a transfer on death deed that allows real property owners to transfer their property to a designated beneficiary outside the probate process upon their death. A home may be the only asset that a low-income Texan has, but they are often unable to afford to have a will prepared or to probate the will, which are the current mechanisms to pass clear title to property upon death. These properties often pass informally to an heir but because that person does not legally own the property, the benefits of ownership, such as using the home as collateral or selling the home, cannot be enjoyed. These homes are often abandoned, leading to blight in our communities. The bill awaits signature by the Governor. If approved, the new transfer on death deed provides an easy, low-cost solution to these problems and is expected to help thousands of low-income Texans stay in their homes and pass clear title upon their death.

Payable on Death Disclosures: Senator Rodney Ellis and Representative Jessica Farrar sponsored a bill that requires banks to more effectively disclose to their customers the option of having a payable on death account. Many low-income Texans have only a bank account when they die. Unfortunately, unless there is a named beneficiary on that account, the funds cannot be obtained unless they pass through probate. Often the cost of probate exceeds the amount in the account yet would still be a meaningful amount of money to their heirs. Effective September 1, 2015, banks will be required to inform their consumers of this option so that the funds in their account can pass directly to the named beneficiary without going through probate.

Access to Bank Account Balance: Senator Rodney Ellis and Representative Jessica Farrar authored a bill that allows a bank to release a decedent's bank account balance upon court order. The bill is important for low-income Texans who wish to proceed in probate court under a small estate affidavit. To do so, they must show that there are no debts of the estate. Most of us die with some debt, such as an outstanding credit card bill. The bill has been sent to the Governor for signature. Assuming he approves, heirs may petition the court, or a court may do so on its own motion, to order a bank to disclose bank balance information so the heirs can determine if there are enough assets in the account to pay the debts of the estate.

As previously mentioned, Senator Judith Zaffirini and Representative Senfronia Thompson authored two bills that direct the Supreme Court of Texas to promulgate forms in the areas of probate and landlord-tenant law as the Court deems appropriate.

Federal Funding for the Legal Services Corporation

On April 15 and 16, the Texas Delegation headed to Washington, D.C., to take part in the annual ABA Days. The Delegation met with 37 of the 38 Texas Congressional members. The team provided information on civil legal aid in Texas and requested support for LSC funding at \$452 million for the coming fiscal year.

In early May, the full House Appropriations Committee marked up the Commerce, Justice, Science and Related Agencies subcommittee bill, which included \$300 million for 2016 LSC funding. This amount is a devastating reduction of \$75 million (20 percent) from the current \$375 million level.

ENSURING ACCESS TO JUSTICE THROUGH FUND DEVELOPMENT AND AWARENESS

Awards Committee

The Awards Committee, chaired by Justice Gina Benavides, convened to discuss awards to be presented by Chief Justice Nathan Hecht at the annual Champions of Justice Gala Benefiting Veterans. Chief Justice Hecht presented awards to three individuals for their remarkable contributions.

James B. Sales Boots on the Ground Award

Peter Hofer, senior litigation attorney at Disability Rights Texas, was presented the award for his past 15-year commitment to making life better for Texas children with disabilities and chronic health conditions. He has improved the Texas Medicaid system by serving as the legal champion for children who have been denied health care services and an advocate to parents who are desperate to help their children. Across the state, 175 children have been helped by Mr. Hofer in Medicaid hearings. Mr. Hofer's work embodies the highest ideals of the legal profession.

Emily C. Jones Lifetime Achievement Award

Former Chief Justice Wallace Jefferson was presented the award for his tireless work in creating greater transparency, accessibility, and equality in the state's courts. While serving on the Supreme Court of Texas, Justice Jefferson worked with state lawmakers to garner funding for access to justice programs and reform antiquated juvenile-justice practices. He also implemented a statewide electronic filing system, which mandates electronic filing of all court documents to decrease costs and increase productivity. Lawyers are also required to submit appellate briefs electronically for easy access by Texas citizens. His work also established the Permanent Judicial Commission for Children, Youth and Families.

James B. Sales, former Chair of the Commission, Marine, State Bar president, and UT Law School graduate, received the award for his extraordinary dedication to improving access to justice in Texas. Using years of experience gained at Norton Rose Fulbright, he made the community of Houston and later the great state of Texas a better place to live for thousands of low-income Texans. He founded what is now Houston Volunteer Lawyers and is one of the founders of the Houston Bar Foundation. In 2006, the Supreme Court of Texas appointed him chair of the Texas Access to Justice Commission. During his tenure, Mr. Sales produced a five-year plan to increase funding and expand pro bono legal help to low-income Texans, spearheaded efforts at legislative reforms and increased funding for civil legal aid, brought about increased involvement at law schools, and organized corporate pro bono programs around the state.

Bar Leaders for Justice Committee

The Bar Leaders for Justice Committee, chaired by Carlos Cárdenas of Joseph Abraham Law Office, helped secure local bar resolutions for use in our efforts to secure federal funding for legal aid during ABA Days. The Committee has also been assisting in the effort to raise funds during the ATJ Campaign by publishing articles in their local newsletters about civil legal aid and encouraging their members to donate to the statewide campaign.

Communications

The Commission launched its newly designed website in December. (www.texasatj.org) The new site has a modern look and feel, exciting graphic components such as the Champion of Justice Society Gallery, and features much more content and resources on access to justice. The Commission continues to send the quarterly Update electronically, and our Facebook page, launched in 2012, has been growing steadily. It continues to be a great resource to push out the latest news immediately, especially during the legislative session. The Commission re-launched its Twitter page and has been gaining new followers. It is a helpful addition to the social media strategy. The 2015 ATJ Campaign video produced by Hannah Allison, the State Bar of Texas' project coordinator, is highlighted on the website and has been sent out via email and social media.

Development and Fund Raising Efforts

Access to Justice Contribution Campaign

The Commission launched the 2015 ATJ Campaign in April with a focus on attorneys whose firms participated in the firm billing process. The campaign kicked-off with over 90 firms competing in the annual Champion of Justice Law Firm Competition. The competition is a fun and energetic way for firms to compete against each other while raising money for a great cause. Firm champions were provided a tool kit of campaign communications designed to help them personally reach out to their colleagues and ask for contributions to the ATJ Campaign. The competition was held during two weeks in April, and this year firms were also encouraged to hold a jeans day to raise awareness of access to justice with all staff. The jeans day raised \$8,669.

On May 1, the State Bar of Texas dues statement was sent to the remaining attorneys across the state. All attorneys were encouraged to make the suggested \$150 ATJ Contribution on the dues statement. This year's campaign goals are to raise \$1.3 million and to increase participation to 15% of all Texas lawyers. As of May 15, 2015, the campaign had raised \$415,735 from 2858 attorneys, representing 7.27% of total attorneys giving. The good news is that we have raised \$129,404 more than where we were at this same point last year (or a 30% increase).

However, attorney participation remains relatively low, with only 7.27% of attorneys giving thus far.

Champion of Justice Society. In 2013, the Champion of Justice Society was created for those individuals who wish to show their stronger support of access to justice with a contribution of \$250 or more. The Society levels were renamed for the 2015 campaign to tie in more of the hero/champion messaging. Additional benefits were added to create more differentiation between the levels and to encourage donors to increase their gifts. The levels are: Guardian (\$1000/year for 5 years), Hero (\$1000+), Defender (\$500-\$999), and Advocate (\$250-\$499).

We are pleased to announce that as of May 15, 2015, there are 350 Champion of Justice Society members, representing an increase of 236 members at this same point in time last year. Because membership is on a rolling annual basis, many memberships come due at this time. Our goal is to secure 100% renewal and continue to grow the Society with new members. We honor these donors annually with the Access to Justice Reception, which will be held on Thursday, June 18, 2015, at 5:00 p.m. at the Grand Hyatt San Antonio during the State Bar of Texas Annual Meeting.

Champion of Justice Gala Benefiting Veterans

The Commission with the co-sponsorship of the State Bar hosted its annual Champions of Justice Gala Benefiting Veterans Tuesday, April 7, 2015, at the AT&T Executive Education and Conference Center in Austin and raised \$401,700. University of Texas System Chancellor William McRaven, a retired four-star U.S. Navy admiral, powerfully outlined the sacrifices Veterans make for Americans. He also emphasized the vital differences legal aid can make for Veterans upon their return home. The State Bar generously underwrote the event, so that more proceeds will provide direct civil legal services for poor and low-income Veterans.

OTHER MATTERS

Board and Staff Changes

The Commission is thankful to Judge Al Bennett, Michelle Cheng, Dick Tate, Tim Mountz, Pete Fierro, and Andy Kerr for their valuable service as Commissioners during the past three years. New Commissioners have not yet been announced by the State Bar of Texas or this Court.

Equal Justice Conference

The Commission helped host the national Equal Justice Conference held May 6-8, 2015, in Austin this year. We are pleased that over 800 legal aid and access to justice professionals attended, which was the largest attendance the conference has had to

date. The Commission helped determine speakers from a large group of applicants and raised money to host a welcome party on Thursday night. The Commission also participated in the annual ATJ Chairs meeting, as did Chief Justice Nathan Hecht and Justice Eva Guzman, and our partners from the Texas Access to Justice Foundation. We are pleased that Texas continues to be a leader in access to justice matters, in no small part due to the unwavering dedication of the Court to this important cause.

ADMINISTRATION OF RULES OF EVIDENCE • ADVERTISING REVIEW • ANNUAL MEETING
 CHILD ABUSE AND NEGLECT • CONTINUING LEGAL EDUCATION • COURT RULES • CRIME VICTIMS
 DISABILITY ISSUES • DIVERSITY IN THE PROFESSION • JURY SERVICE • LAW FOCUSED EDUCATION
 LAW PRACTICE MANAGEMENT • LAWS RELATING TO IMMIGRATION AND NATIONALITY • LAWYERS' ASSISTANCE PROGRAM
 LEGAL SERVICES TO THE POOR IN CIVIL MATTERS • LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS
 LOCAL BAR SERVICES • MINIMUM CONTINUING LEGAL EDUCATION • PARALEGALS

2014-2015 State Bar of Texas

COMMITTEE REPORTS

Committee reports are included in the July issue of the *Texas Bar Journal* to update Texas lawyers on State Bar activities. The reports do not necessarily reflect the position or official policy of the State Bar of Texas, which is formulated by the State Bar Board of Directors or by the membership through referendum. For more information or to complete a Committee Volunteer Interest Form, go to texasbar.com/committees or call (800) 204-2222, ext. 1516.

PATTERN JURY CHARGES—BUSINESS, CONSUMER, INSURANCE, AND EMPLOYMENT • PATTERN JURY CHARGES—CRIMINAL
 PATTERN JURY CHARGES—FAMILY AND PROBATE • PATTERN JURY CHARGES—GENERAL NEGLIGENCE, INTENTIONAL PERSONAL TORTS, AND
 WORKERS' COMPENSATION • PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS
 PATTERN JURY CHARGES—OIL AND GAS • PATTERN JURY CHARGES—OVERSIGHT • PROFESSIONALISM
 PUBLIC AFFAIRS • REAL ESTATE FORMS • *TEXAS BAR JOURNAL* BOARD OF EDITORS
 TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT • WEB SERVICES • WOMEN IN THE PROFESSION

ADMINISTRATION OF RULES OF EVIDENCE

Robin Malone Darr, Chair

The Administration of Rules of Evidence Committee is pleased that the Texas Supreme Court and Court of Criminal Appeals enacted the restyled Texas Rules of Evidence. This year, the committee reviewed and studied Article II Rules and Rule 503 of the Texas Rules of Evidence.

The Article II Subcommittee, chaired by John Janssen, recommended changing the 30-day pre-trial deadline in Rule 203 to 45 days to align with Rule 1009. The subcommittee acknowledged that Rules 203 and 1009 deal with separate issues, but noted that, in practice, confusion exists. AREC concurred and recommended the change to the Supreme Court Advisory Committee.

The Rule 503 Subcommittee, chaired by Terry Jacobson, surveyed the law of other states to determine how the lawyer-client privilege applies in cases with allied litigants. Thank you to Michelle Hille, Jared Horton, Amanda Sanchez, and Jared Wilkinson of Baylor Law School for their assistance with the survey.

In May, AREC reviewed survey results and reported to other sections of the State Bar that have expressed interest in this project. After considering comments of other sections, AREC will evaluate whether to recommend an amendment of Rule 503 to the Supreme Court Advisory Committee.

ADVERTISING REVIEW

Steve Tatum, Chair

The committee continues to work in the pursuit of three objectives: (1) educate the bar about the provisions of the Advertising Review Rules, (2) provide guidance to the bar concerning compliance with Part VII, and (3) ensure compliance with the rules by reviewing and approving filed advertisements.

Gene Major, director of the Advertising Review Department; Michael Dobbs, coordinator of the Advertising

Review Department; and various members of the committee gave a number of presentations this year to educate lawyers and others about the requirements and restrictions imposed by the Advertising Review Rules. These included live, videotaped, and Web-based presentations. Major also presented at the State Bar of Texas Annual Meeting, Texas Minority Counsel Program, and Legal Marketing Association events throughout Texas. The committee continued working with the publishers of *Super Lawyers*, the Rising Stars list, and other similar publications to ensure that their advertising is filed with and reviewed by the committee before publication.

The committee provided guidance concerning the rules by meeting throughout the year and reviewed more than 4,000 applications in the 2014-2015 bar year. The number of filings has consistently increased, with the largest category of filed submissions being electronic/websites.

ANNUAL MEETING

Sara Dysart and Andy Kerr, Co-Chairs

The 2015 Annual Meeting took place in San Antonio on June 18-19. The Annual Meeting Committee offered a diverse selection of quality CLE for the best value, featuring keynote speakers Evan Smith, editor in chief and CEO of the *Texas Tribune*; Judge Ken Starr, president and chancellor of Baylor University; and Fred Bartlit Jr., trial counsel for President George W. Bush in the Florida "hanging chads" trial.

With more than 90 informative learning sessions, this year's meeting featured content for everyone. State Bar sections provided practice-specific programs as well as joint events, including the Adaptable Lawyer Track and the Business Law and Corporate Counsel Law Section track.

During Friday's General Session Luncheon, 2014-2015 State Bar President Trey Apffel gave parting remarks and Allan K. DuBois was sworn in as 2015-2016 president. At

the Texas Young Lawyers Association reception, 2014-2015 TYLA President Rebekah Steely Brooker gave farewell remarks and C. Barrett Thomas was sworn in as 2015-2016 president. The San Antonio community and law firms statewide deserve acknowledgment and gratitude for their dedicated support of the Annual Meeting.

Be sure to mark your calendars for the 2016 Annual Meeting in Fort Worth on June 16-17.

CHILD ABUSE AND NEGLECT

Carole Hurley, Chair

To address the educational needs of attorneys involved in child protection litigation, the committee again conducted a workshop at the Advanced Family Law Course and worked with the Family Law Section to make this training affordable. The Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families provided scholarships to a number of attending attorneys.

The committee's child protection litigation conference in June 2014 featured sessions designed specifically for attorneys representing parents, children, and the Texas Department of Family and Protective Services.

The committee continues to distribute English and Spanish copies of *When Babies Cry*, its DVD on shaken baby syndrome, and also made a presentation on Adoption Day at the annual Bar Leaders Conference.

The committee is working to bring greater public awareness to the problem of prenatal alcohol exposure. It also continues to work toward board certification for child welfare practitioners and post resources for child protection litigators at texaslawyersforchildren.org. This site also provides information on pro bono opportunities in child protection cases.

The committee selected an attorney to receive its annual Fairy Davenport Rutland Award for Distinguished Service to Children and Families, to be presented at the 2015 Advanced Family Law Course in August.

CONTINUING LEGAL EDUCATION

Deborah J. Bullion, Chair

During the 2014-2015 bar year, the Continuing Legal Education Committee met twice with the Board Professional Development Subcommittee and bar staff to propose topics for future CLE programs and to discuss the challenges and opportunities facing TexasBarCLE and TexasBarBooks. TexasBarCLE continues to be a leading provider of high-quality CLE. In recognition of the trend toward online CLE, expansion of webcasts and online classrooms remains a priority. Also, with information on legal developments readily available on the Internet, TexasBarCLE will focus its programs beyond merely providing legal updates and will emphasize the practical consequences of how changes in the law affect the practice of law. CLE committee members continue to be assigned to serve on planning committees to ensure courses are of the highest level of quality and reflect the diversity of the bar.

TexasBarBooks released several supplements to manuals, pattern jury charges for several areas of law, *Essentials of E-Discovery*, and *Texas Perspectives on Firearms Law*. It will be releasing the first online version of the *Texas Family Law Practice Manual* for sale by subscription this summer.

COURT RULES

Carlos R. Soltero, Chair

The Court Rules Committee met five times during the 2014-2015 bar year. Two proposed rules were submitted. One would modify Texas Rule of Civil Procedure 223 to: (1) clarify that one shuffle is permitted per panel as opposed to per case; (2) clearly define the deadline for making a shuffle demand, particularly in light of increased written jury questionnaires; and (3) recognize electronic shuffling.

The other would modify Texas Rules of Appellate Procedure 9.4, 38.1, and 38.2 to specify the location in the appellate record where error was preserved for each appellate by requiring

the complaining party to provide citations to the record showing preservation. The proposal may conserve resources on appellate points where error was not preserved.

In addition, the committee worked on other proposals to amend Rule 21 and 21a service particularly with pro se litigants, Rule 194 with respect to identifying trial witnesses and more specific disclosures in cases alleging misrepresentation claims or defenses, and a potential rule on procedures in cases of alleged spoliation.

The committee has also continued its work with the Texas Supreme Court in providing website links to statewide local rules and created a Rules Resource Task Force.

CRIME VICTIMS

The goal of the Crime Victims Committee is to educate the legal profession and the public about the resources available to crime victims. The committee was inactive this year. The committee encourages crime victims and advocates to visit its Web page, available in English and Spanish at texasbar.com/crimevictims, for information on local, state, and federal crime victim rights.

DISABILITY ISSUES

Kelli Howard, Chair

The Disability Issues Committee recommended this special issue of the *Texas Bar Journal* commemorating the 25th anniversary of the Americans with Disabilities Act.

The committee's video on Bootz's Law (about the rights of people with disabilities who use service animals) continues to be widely viewed on the State Bar's YouTube channel. Committee members speak to groups upon request regarding service animal laws.

The committee co-produced a video with the Independent Living Research Utilization Program at TIRR Memorial Hermann, Disability Rights Texas, and Texas RioGrande Legal Aid on the rights of people with disabilities in homeless shelters and transi-

tional housing. It will soon be available at the bar's YouTube channel and on the committee's website.

The committee once again provided a disability rights webinar on legislative updates and acted as co-sponsor for the 11th Annual Special Education and the Juvenile Justice System CLE course.

Our mentorship program provides mentors to attorneys and law students with disabilities. The committee also collaborates with the bar's Legal Access Division to provide training on the Communication Access Fund and how lawyers can ensure effective communication with clients who have disabilities.

For more information, please visit texasbardisabilityissues.org or contact the new chair, Erin Lawler, at erinlawler@gmail.com.

DIVERSITY IN THE PROFESSION

Lisa J. Soto, Chair

The Diversity in the Profession Committee promotes the retention, advancement, and meaningful participation of diverse attorneys in the profession as well as greater access to professional education. Almost 500 were in attendance at our Texas Minority Counsel Program, a premier networking and CLE event geared to increase opportunities for diverse attorneys to work with corporations and governmental entities. Join us for our next TMCP at the Westin Houston, Memorial City, on October 14-16, 2015.

This year, we expanded our reach to: (1) engage more attorneys in K-12 classrooms where diverse students might not otherwise be exposed to careers in the law or know how to posture themselves to make that path a reality; and (2) provide support for students to better prepare for the Texas Bar Exam in the hope that we may welcome minorities and females to the bar more quickly and in greater numbers.

We have also continued both the Texas Minority Law Student Program—where we engage law students

in informational sessions, mentorship, and hands-on skills-building through mock interviews—and the Texas Minority Attorney Program, where we provide low-cost, cutting-edge continuing legal education and networking opportunities. We encourage everyone to help strengthen the profession through inclusion.

JURY SERVICE

J. Francisco Tamez, Chair

The Jury Service Committee met with clerks across the state to help identify issues with, causes of, and possible solutions to low jury turnout. During those meetings, committee members asked about creative solutions implemented by clerks and judges in addressing jury participation and enhancing jurors' experiences. Practices included writing thank you letters, giving jurors certificates of appreciation, and writing op-ed pieces with local newspapers on the importance of serving on a jury. These samples are being disseminated to other judges and clerks as examples of ways that they can improve jurors' experiences.

The committee also reviewed the State Bar website and available online information on jury service. A subcommittee worked on editing this material to make it easier to use. The committee will continue to work with clerks and the State Bar to make sure that links to videos, public service announcements, and online publications are easy to access.

The year concluded with committee members speaking at the University of Texas School of Law's 2015 County and District Clerks Legal Education Program, where members informed the clerks about State Bar of Texas resources.

LAW FOCUSED EDUCATION

Daniel David Hu, Chair

The committee implemented the following civics education projects this year:

- Committee members continued to meet with their local school

districts, private school networks, and community groups, providing them with the latest materials developed by the Law-Related Education Department.

- We promoted classroom resources such as the State Bar of Texas's *I was the first. Vote for Me!* and *Oyez, Oyez, Oh Yay!* websites. Committee members presented both projects during the Bar Leaders Conference in July. Using the Web-based program, committee members made classroom presentations in grades K-5 and made presentations to community groups and local bar associations.
- The committee continues to support the *We the People* program.
- Law Focused Education Committee members continue to speak to participants at local events and promote the use of the Law-Related Education Inc. website (texaslr.org) and national programs such as icivics.org and the Division for Public Services of the American Bar Association.

The committee thanks Jan Miller and her staff for their unwavering support and for her dedication and tireless efforts in promoting law-related education.

LAW PRACTICE MANAGEMENT

William Wade Miller Jr., Chair

The Law Practice Management Committee began the year by presenting a daylong seminar during the bar's Annual Meeting in June 2014. The committee also launched a redesigned website, which allows greater mobile integration and easier search capabilities for LPM materials. It includes updated, downloadable "how-to" brochures intended to assist attorneys in starting, maintaining, and growing a practice. Throughout the year, committee members made presentations to several local bar associations across the state and at Texas Southern University Thurgood Marshall School of Law. Finally, the committee planned and held the Law

Practice Management CLE event that took place at the 2015 State Bar of Texas Annual Meeting.

LAWS RELATING TO IMMIGRATION AND NATIONALITY

Linda Brandmiller, Chair

Exciting times continue for the LRIN Committee as immigration shines as one of the country's top legal issues and overlaps with most areas of law.

In keeping with efforts to make the committee accessible throughout the state, the fall meeting took members to Harlingen, coincidentally the day after President Barack Obama announced his immigration policy plans. The committee met at the local U.S. Citizenship and Immigration Services office and members received information directly from the chief of staff by video. In addition, the Mexican Consulate offered information on immigration needs in the Valley and the committee volunteered to be a liaison with the State Bar.

The spring meeting was again held in El Paso to coordinate a personal tour of the U.S. Consulate in Ciudad Juárez, Mexico, where family based consular processing applications for the entire country are completed. This experience is invaluable as members make contacts and are able to better understand their clients' process by getting a behind-the-scenes look at how they are adjudicated.

The summer meeting continues to be coordinated with the State Bar of Texas Immigration and Nationality Section and the summer quarterly meeting was at the bar's Annual Meeting in San Antonio.

LAWYERS' ASSISTANCE PROGRAM

Pamela Powell, Chair

The Lawyers' Assistance Program Committee worked throughout the year to advance the legal community's knowledge of substance abuse and mental health issues facing lawyers and the resources available through the Texas Lawyers' Assistance Program.

The Mental Health Subcommittee

worked with attorney development departments at global law firms to develop wellness and mental health outreach programs resulting in continuing education courses presented at Houston offices of two firms and broadcast to all firm offices. Subcommittee members also worked with TLAP staff to create the Health and Wellness video series now found on the TLAP website.

Members of the Law School Subcommittee served as liaisons to the deans of student affairs at 10 Texas law schools and held the Dean of Student Affairs Annual Summit. Direct outreach to law students included more than 25 presentations, an informational table at a wellness fair, and participation in a meditation series. TLAP materials offering help were distributed to all law libraries and career services offices.

The Volunteer Recruitment, Training, and Retention Subcommittee was created last year to ensure qualified and diverse volunteers. This year, the subcommittee revised the volunteer materials and held training/recruitment sessions in Dallas, Houston, Lubbock, Corpus Christi, McAllen, and Brownsville.

LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

Matthew B. Probus, Chair

The volunteer members of the State Bar of Texas Legal Services to the Poor in Civil Matters Committee continue to help the board of directors carry out one of the bar's core missions to "assure all citizens equal access to justice." The committee worked on methods to improve volunteer recruitment for the LiveHelp project, which provides real time legal counseling to vulnerable Texans in need. The committee's members assisted with staffing of volunteers for LiveHelp's Veterans Legal Aid Week activities, which included handling legal questions of more than 50 veterans in need. The committee also began assessment of the need and feasibility of an education packet on veterans' legal needs for use by local

bar associations. The committee received strong nominations for the State Bar's Pro Bono Excellence Awards and recommended to the board recipients who were recognized during the State Bar's Annual Meeting in San Antonio.

LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

Cathy Burnett, Chair

For more than 20 years, this committee has worked to improve representation of indigent Texans in criminal matters. Committee members are drawn from diverse backgrounds and experiences within the criminal justice system, including state and federal practice venues, public and private practice settings, prosecution and defense functions, and nonprofit organizations and government agencies with an indigent defense focus. To fulfill its mission, the committee engages in three discrete activities: (1) studying delivery systems, (2) collecting data, and (3) developing recommendations for relevant stakeholders. The varied perspectives that committee members bring to this work are critical in performing these functions and shaping the committee's output.

This past year, the committee continued its role in developing Texas-specific guidelines for attorney performance. The Supplementary Guidelines and Standards for the Mitigation Function of Defense Teams in Texas Death Penalty Cases were adopted by the State Bar of Texas Board of Directors in April 2015. Work on juvenile representation standards is ongoing and in the draft review phase. Additional ongoing projects include language interpretation practices as an access-to-justice barrier, mentoring and early entry programs designed to increase capacity, and client choice attorney selection pilot projects.

LOCAL BAR SERVICES

Janna Clarke, Chair

The Local Bar Services Committee has the express purpose of enhancing

communication between State Bar and local bar leadership to assist local bars in the management and development of their associations. Our signature event, the Bar Leaders Conference—held July 24-25, 2015, at the Westin Galleria Houston—brings local bar leaders and State Bar officers and directors together to discover tools and resources while addressing common concerns.

The committee also plans the annual Law Day and Stars of Texas Bars Awards programs. The State Bar and Texas Young Lawyers Association presented statewide contest awards to 18 students at the Law Day ceremony in Austin. This year's theme, "Magna Carta: Symbol of Freedom Under Law," encouraged students to explore why Magna Carta is still an important symbol of the rule of law. The Stars of Texas Bars Awards recognize the work of local bar associations. Award recipients were acknowledged at the Bar Leaders Recognition Luncheon during the 2015 State Bar Annual Meeting.

Outreach to local bar associations through State Bar leadership, staff, and the Local Bar Services Committee remains strong. Some of the resources available include speaker coordination, strategic planning, program materials and coordination, off-the-shelf projects, and law-related education.

MINIMUM CONTINUING LEGAL EDUCATION

Jason Honeycutt, Chair

The MCLE Committee administers the program of minimum continuing legal education as established by Article XII of the State Bar Rules. During this year, the committee proposed amendments to the MCLE Rules. Changes approved by the Texas Supreme Court in December 2014 allow electronic delivery of annual verification reports. Other proposed changes include the repeal of the MCLE age exemption. Under these proposed new rules and regulations, active emeritus members would be required to comply with the 15-hour MCLE requirement but would be exempt from paying noncompli-

ance penalties and initial reinstatement fees for late compliance or late reporting. Emeritus members would not be exempt from fees associated with consecutive suspensions or multiple-year suspensions. The proposed amendments repealing the MCLE age exemption have been approved by the State Bar Board of Directors and are currently under review by the Supreme Court.

The use of MCLE online services by sponsors and attorneys continues to increase yearly. This year, the MCLE Department received approximately 525,000 attendance records and 25,000 applications for accreditation of CLE activities. Eighty percent of this information was received electronically via the MCLE website.

PARALEGALS

Paul Taparuskas, Chair

The committee was quite active again this year. The 33rd Annual Texas Forum convened in Dallas in February, presenting the program “Ethics in the Lone Star State: Supervisory Responsibilities of Counsel.” The forum was attended by 143 attorneys, paralegals, and paralegal educators. We thank Forum Planning Subcommittee Chair Allen Mihecoby, members of the subcommittee, and State Bar committee liaison, Kanice Spears, for their efforts resulting in the success of the event.

The committee was discontinued as a State Bar committee at the end of the 2014-2015 bar year. The forum and some other activities of the committee will be continued by the Paralegal Division and other State Bar committees and departments. The committee was created in 1978 with the mission of establishing the paralegal profession in Texas and assisting attorneys in utilizing paralegals to practice law more effectively. The committee has successfully completed this mission. The paralegal profession is firmly established in Texas as part of the legal profession. We thank all members of the committee, past and present, for their efforts in accom-

plishing its goals.

PATTERN JURY CHARGES— BUSINESS, CONSUMER, INSURANCE, AND EMPLOYMENT

Hon. Brett Busby, Chair

The committee published its 2014 edition of *Texas Pattern Jury Charges—Business, Consumer, Insurance & Employment*. This year, the committee focused efforts on drafting new charges and updating existing charges to reflect current statutory and decisional law.

The 2014 edition includes new questions and instructions on construction contracts, insurance contracts, and the main purpose exception to the statute of frauds. New comments on contracts terminable at will or on notice, spoliation, and the Defamation Mitigation Act are also included. The committee significantly revised the employment chapter to reflect changes in Chapter 21 of the Texas Labor Code to conform to federal amendments to the Americans with Disabilities Act. A new question on failure to make reasonable workplace accommodations was also included. The committee has continued work on new questions regarding misappropriation of trade secrets, which will be included in the 2016 edition. It collaborated with the PJC—Oversight Committee and the other PJC volumes to develop new topics and expand on existing charges as needed.

The committee welcomes comments on its drafts, which are posted at texasbarbooks.net. Questions and suggestions for new topics to be included in future editions may be sent to books@texasbar.com.

PATTERN JURY CHARGES—CRIMINAL

George Dix, Chair

The Pattern Jury Charges—Criminal Committee was formed in 2005 with the goal of drafting criminal instructions in plain language. The committee designed an outline that explicitly states the relevant statutes and legal definitions and then applies

the law to the facts in common sense language. With this format, the committee produced five volumes in nine years. However, as it began planning for additional material, the committee decided to update and reorganize the series for greater utility and potential expansion. It took content from various volumes of the original series and added new subject matter to create the first of the new series of *Texas Criminal Pattern Jury Charges—General, Evidentiary & Ancillary Instructions*, which was published in 2015. This volume contains model jury instructions for the general charge, ancillary issues, evidentiary instructions, and punishments. Subsequent volumes will update, reorganize, and add to the instructions on more specific topics. *Texas Criminal Pattern Jury Charges—Intoxication and Controlled Substances* and *Texas Criminal Pattern Jury Charges—Defenses* will be updated in the fall of 2015 to include new cases and statutory changes.

PATTERN JURY CHARGES—FAMILY AND PROBATE

Hon. Kathleene Dennise Garcia, Chair

Following publication of the 2014 edition of *Texas Pattern Jury Charges—Family & Probate*, the committee continued work on new probate topics for planned inclusion in the 2016 edition. Representatives of the committee worked with representatives from the other civil pattern jury charges committees in preparing instructions addressing spoliation of evidence for publication in all the civil PJC volumes. The committee monitored 2015 legislation that would potentially require updates to the existing charges and comments for incorporation in the 2016 edition.

Drafts of the committee’s work will be posted on texasbarbooks.net before publication. We welcome feedback on these drafts from the bench and bar. Comments and questions, as well as suggestions for new topics to be included in future editions, may be sent to books@texasbar.com.

PATTERN JURY CHARGES—GENERAL NEGLIGENCE, INTENTIONAL PERSONAL TORTS, AND WORKERS' COMPENSATION*Brock C. Akers, Chair*

The committee produced a new 2014 edition of its PJC volume with some important and dramatic additions. After several years of effort and hundreds of hours devoted to the project, the committee produced an entire new section for workers' compensation cases. A new chapter was also added for animal injuries. Other major changes include an instruction and comment on spoliation, revisions to the corporate gross negligence PJCs, a new comment on non-subscribing employer actions, a revised damages question for nuisance actions, and a revised instruction on independent contractor by written agreement. The dedication and hard work of this committee has been exemplary in every way, reflecting the very best that the bar has to offer in terms of service to its members and the judiciary.

PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS*Jeff Levinger, Chair*

Last fall, the committee welcomed the publication of the 2014 edition of *Texas Pattern Jury Charges—Malpractice, Premises & Products*. It features several significant additions, including questions and comments relating to the Emergency Medical Treatment and Labor Act (the patient "anti-dumping" law). In addition, it includes an important comment on the distinction between negligence and breach of fiduciary duty claims in legal malpractice cases. Another significant change involves new questions in the medical malpractice chapter, which help to delineate when the heightened "willful and wanton" negligence standard should be submitted in cases involving medical care of both an emergency and non-emergency nature.

After the publication of the 2014 edition, the committee turned to identifying new projects and improve-

ments for the 2016 edition. We are taking a fresh look at some of the older and more frequently used PJCs to ensure that they remain correct and contain citations to the most recent cases. We also intend to expand upon our recent work on breach of fiduciary duty claims in legal malpractice cases.

As the committee continues identifying and drafting additions and changes to the 2016 volume, we welcome input to assist in our mission of "getting it right."

PATTERN JURY CHARGES—OIL AND GAS*Ricardo E. Morales, Chair*

The Pattern Jury Charges—Oil and Gas Committee has continued its efforts to complete charges for the first edition of pattern jury charges in oil and gas. The committee has met throughout the year, focusing on completing its first volume to provide assistance and guidance for both the bench and bar in oil and gas litigation.

The committee's first volume will focus on several areas of oil and gas law, including adverse possession, defenses, executive rights, exculpatory clauses, issues arising between lessor and lessee, and trespass. In addition to developing these topics, the committee has also collaborated with the other pattern jury charges volumes and the PJC—Oversight Committee to address issues relevant to multiple practice areas and to ensure consistency between the volumes. The committee is finalizing charges that will be included in its first volume, which it anticipates publishing in the fall of 2015.

The committee welcomes comments on its drafts, which will be posted at texasbarbooks.net prior to publication. Comments and questions, as well as suggestions for new topics to be included in future editions, may be sent to books@texasbar.com.

PATTERN JURY CHARGES—OVERSIGHT*Hon. Tracy Christopher, Chair*

The PJC—Oversight Committee reviews all changes made to the indi-

vidual volumes of the Pattern Jury Charges. All volumes published revised editions this year with many new additions and changes. Those are described in the individual volumes' reports. The committee suggested potential new areas for the individual volumes to consider. As an oversight committee, we review proposals for consistency among volumes in order to maintain a consistent style of understandable charges. We strive for accuracy in the legal elements and we want jurors to understand each question in the jury charge.

PROFESSIONALISM*Kenda Culpepper, Chair*

The goal of the Professionalism Committee is to improve early development of new lawyers and promote professionalism throughout the bar. The 2014-2015 bar year was a successful and hard-working one for the committee, as was reported at the April 2015 State Bar Board of Directors meeting. The committee created a mentoring video featuring Texas Supreme Court Chief Justice Nathan L. Hecht. Members also produced a CLE PowerPoint on professionalism and ethics, which will be sent to State Bar board members for use in their respective districts, and committee members participated in a panel discussion regarding the Texas Lawyer's Creed at the bar's Annual Meeting and in a webinar. The committee is excited to be finishing its Web-based project, "NEED ETHICS? A Directory of Speakers," which will provide smaller local bar associations with a database of engaging ethics speakers who are willing to travel.

The committee continues to reach out to local bar associations and law schools regarding the importance of professionalism and to provide resources at texasbar.com/mentoring. Members are also focused on publicizing the Texas Lawyer's Creed. During this year, more than 500 creed posters and 1,000 creed brochures (and an additional 106 in Spanish) have been distributed statewide.

PUBLIC AFFAIRS*Rudy England, Chair*

The 2014-2015 bar year was another productive one for the Public Affairs Committee as we worked to expand public understanding of the legal system and the role of lawyers and to foster relations with the news media in advancing these goals.

The committee continued its sponsorship of the Open Government Seminar at the 2015 State Bar Annual Meeting in partnership with the Government Law Section. The seminar included engaging panel discussions on “Privacy, Security, and the Cloud” and the 84th Texas Legislature’s record on open-government legislation.

The committee was also proud to continue its partnership with the Freedom of Information Foundation of Texas in presenting the 2014 Texas Gavel Awards, which recognize outstanding Texas journalism that enhances public understanding of our legal system. The committee issued a call for entries to Texas journalists, recruited an expert judges panel, and presented the awards at the FOIFT annual conference in Austin.

REAL ESTATE FORMS*Richard Spencer, Chair*

The Real Estate Forms Committee studies changes in real estate and related areas of law and practice at the state and federal levels and oversees the *Texas Real Estate Forms Manual* to preserve its efficacy and legal accuracy. Early in 2014, the committee produced a supplement that addressed changing federal home loan regulations, changes to homestead regulations, and statutory changes made by the 83rd Texas Legislature. Over the past year, the committee reviewed numerous sources of information to ensure that no significant changes or additions were required. Changes from the 84th Legislature, new federal statutes, and caselaw will be assimilated into the next supplement, available in early 2016.

TEXAS BAR JOURNAL BOARD OF EDITORS*John G. Browning, Chair*

The *Texas Bar Journal* is the official publication of the State Bar of Texas. In print since 1938, the magazine serves as a publication of record for the Supreme Court of Texas, a scholarly legal journal, and the association magazine for the State Bar of Texas. Each month (except for August), the *Texas Bar Journal* is distributed to approximately 100,000 subscribers—and is the only publication reaching every lawyer in Texas. The board of editors reviews legal article submissions, develops issue topics, and sets general editorial direction for the magazine.

In 2014-2015, the *Texas Bar Journal* Board of Editors examined a number of subjects, including ethics, violence, e-filing, criminal law, leadership, and the vanishing jury trial. The *Journal* also featured coverage of State Bar and Texas Young Lawyers Association initiatives, which included pieces on LeadershipSBOT and bullying. The board offered an informative “Year in Review” issue and also worked with staff members to bring back a humor column.

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT*Gregg McHugh, Chair*

The committee regularly reviews and, if necessary, suggests revisions to the Texas Disciplinary Rules of Professional Conduct and their comments. Any suggested changes are intended to assist lawyers, their clients, and the broader public. This year, the committee recommended the adoption of a rule that would provide exceptions to conflicts of interest rules for lawyers providing certain pro bono legal services. The committee plans to focus next on rules concerning clients with diminished capacity, the disposition of client records, and the sale of a law practice.

WEB SERVICES*Jason S. Coomer, Chair*

This past bar year, the committee oversaw the official launch of Texas Bar Connect, the bar’s private social

media platform that enables members to network, share expertise, exchange documents, and blog about topics relevant to their profession. This year also marked the launch of a refreshed State Bar website, which features a responsive design that is adaptable to any device and a simple, uncluttered look that focuses on the user experience. The committee also helped plan the sixth annual Adaptable Lawyer Track, which was held during the State Bar Annual Meeting in San Antonio on June 18-19, 2015. Katrina Grider with Katrina Grider and Associates in Cypress delivered the keynote speech.

WOMEN IN THE PROFESSION*Elizabeth M. Marsh, Chair*

The Women in the Profession Committee is committed to promoting the status of women attorneys in Texas. The committee met regularly in Austin and in conjunction with the Texas Minority Counsel Program.

The committee continued its work on a presentation titled “The Next Generation of Solutions to Retain and Advance Women Lawyers.” The presentation will be made available to continuing legal education programs and to members of law firm management committees in Texas, among others. The committee also continued its promotion of *Rough Road to Justice: The Journey of Women Lawyers in Texas*, by Betty Trapp Chapman. The book highlights the history of the careers and accomplishments of women lawyers in Texas.

Three committee members participated in interviews for the selection of a new State Bar minority director. The committee also continued its work to maintain a master list of awards for lawyers and to nominate worthy women lawyers for these awards.

The committee receives an annual update on the status of women lawyers in Texas from the executive director of the University of Texas Center for Women in Law and continues to gather and post statistical data regarding women lawyers in Texas. **TBJ**

2014-2015 State Bar of Texas

SECTION REPORTS

Section reports are included in the July issue of the *Texas Bar Journal* to update Texas lawyers on State Bar section activities. The reports do not necessarily reflect the position or official policy of the State Bar of Texas, which is formulated by the State Bar Board of Directors or by the membership through referendum. For more information or to join a section, go to texasbar.com/sections or call (800) 204-2222, ext. 1420.

INTELLECTUAL PROPERTY LAW • INTERNATIONAL LAW • JUDICIAL • JUSTICE OF THE PEACE COURTS • JUVENILE LAW

LABOR AND EMPLOYMENT LAW • LAW STUDENT DIVISION • LEGISLATIVE AND CAMPAIGN LAW • LGBT LAW • LITIGATION

MILITARY AND VETERANS LAW • MUNICIPAL JUDGES • NATIVE AMERICAN LAW • OIL, GAS, AND ENERGY RESOURCES LAW

PARALEGAL DIVISION • POVERTY LAW • PUBLIC UTILITY LAW • REAL ESTATE, PROBATE, AND TRUST LAW • SCHOOL LAW

TAX • TEXAS ENTERTAINMENT AND SPORTS LAW • WOMEN AND THE LAW • WORKERS' COMPENSATION

ADMINISTRATIVE AND PUBLIC LAW

Kimberly L. Kiplin, Chair

The Administrative and Public Law Section had an eventful year. In August 2014, we partnered with UT Law CLE to sponsor the Ninth Annual Advanced Texas Administrative Law Seminar. During the conference, the section awarded Dudley McCalla its inaugural Administrative Law Lifetime Achievement Award in recognition of his contributions to the practice of administrative law. This year's conference will be held August 31-September 1 at the AT&T Executive Education and Conference Center in Austin.

In October 2014, we held the annual Mack Kidd Administrative Law Moot Court Competition. It provides law students from all over the state the opportunity to hone their appellate skills before panels of experienced practitioners, with the final round held before active justices of the 3rd Court of Appeals. The 2014 winning team hailed from St. Mary's University School of Law.

The section also continues to sponsor the *Texas Tech Administrative Law Journal*, which explores cutting-edge issues in the field and is the only journal in Texas to focus on administrative law. In technological advancements, this year also saw an enhancement of the section's website and the launch of a quarterly e-newsletter to help us connect more efficiently with our more than 1,000 members.

ALTERNATIVE DISPUTE RESOLUTION

Donald R. Philbin Jr., Chair

Educating the public about ADR and developing member skills were the goals we drove across platforms this year. The section has reworked our infrastructure to gather and deliver quality content and resources to both ADR users and practitioners. Texasadr.org is a one-stop shop for anyone using ADR. Under the rules tab, litigators can find quick links to current arbitration rules. Transaction

attorneys can easily access specialized rules and clauses when considering how contracting parties will resolve disputes. Neutrals can kick their game up a notch with specialized trainings, the latest literature, or blogs on case updates. The coming ADR Handbook will contain specialized papers by seasoned practitioners. What we've dubbed the "Science Project" will round up the research on why mediation is so effective and why it neutralizes predictable cognitive shortcuts that often impede direct negotiations. "The Benefits of Arbitration in Texas" was published last year. Our CLE programs focus on legal updates and best practices. And our strong council and future leadership assure a bright future for Texas ADR. We invite practitioners of all flavors to join us to more effectively use ADR to benefit their clients.

ANIMAL LAW

Robyn Fae Katz, Chair

The Animal Law Section completed its third annual writing competition in May, where the top three papers received \$1,500, \$1,000, and \$500 awards. The Animal Law Section also hosted the Animal Law Institute in Austin with speakers from across the country. Topics from the institute included estate planning with pets in mind, addressing and recovering in police dog shooting cases, starting an animal nonprofit, "Ag-Gag" laws and the First Amendment, a discussion on the impact of the *Lira* case on rescues and shelters, and how to successfully recover damages in animal law cases. The event had numerous volunteers from Texas law schools and a local high school as well. The section is already planning for next year's Animal Law Institute.

The Animal Law Section will hold its annual meeting at the State Bar of Texas Annual Meeting. New board members, including a new chair, will be elected, and three CLEs will be

presented. The section is pleased that its membership continues to rise each year.

ANTITRUST AND BUSINESS LITIGATION

Thomas R. Jackson, Chair

The Antitrust and Business Litigation Section had yet another extremely active year. The section continued its quarterly publication of the *Texas Business Litigation Journal*, including its annual survey articles on developments in antitrust law, arbitration, business torts, class actions, Delaware fiduciary law, personal jurisdiction, expert witness law, and securities law. The section presented a program at the 2014 State Bar Annual Meeting titled "Federal and State Antitrust Review of Mergers—Strategies and Practical Guidance for the Challenge to American Airlines/U.S. Airways," with speakers Joe Alioto, Renata Hesse, Bruce McDonald, and Bruce Wark. The section also presented its Ninth Annual Distinguished Counselor Award to Allene Evans, a leading antitrust lawyer and former chair of the section. At the 2015 State Bar Annual Meeting, the section presented a program titled "Inside the Insider Trading Trial of Mark Cuban," with speaker Tom Melsheimer. Finally, the section is preparing a trial training session for members of the Texas Attorney General's Office to be presented in the fall.

APPELLATE

Cynthia Keely Timms, Chair

The Appellate Section has been busy and plans on becoming busier. We surveyed our section members, asking what additional projects they would like. We received hundreds of responses. Our members would like us to provide reduced-cost and free CLE, more networking and socializing activities, and local events, including local CLE opportunities, among other things. We are currently working toward finding ways to provide these benefits.

In addition, the section joined with others in opposing the proposed amendments to the Federal Rules of Appellate Procedure that reduce the length of briefs in federal appeals. Other projects included: (1) the Hidalgo County Bar Association's 2015 David H. Hockema Civil Trial Law Course, where several of our section leaders participated in a panel discussion concerning aspects of trial practice that require assistance from appellate lawyers; (2) the Bench Bar Liaison Committee hosted a breakfast meet and greet in Houston with the judges of the 1st and 14th Courts of Appeals; (3) as is our annual tradition, we co-sponsored the State Bar's Practice Before the Texas Supreme Court course and will be co-sponsoring the Advanced Civil Appellate Practice and the Civil Appellate Practice 101 courses in September.

ASIAN-PACIFIC INTEREST

Ann R. Chao, Chair

APIS celebrated its 20th anniversary at our Annual Conference and Retreat on April 17-18, with more than 125 guests attending the event in Austin. APIS kicked off the celebration with a welcome dinner co-hosted by the Austin Asian American Bar Association at Searsucker restaurant. During the conference, APIS proudly recognized the following award recipients: Justice David Wellington Chew Award—Albert Tan; Affiliate of the Year—Asian American Bar Association of Houston; Best Lawyers Under 40—Monika Singh Sanford, Rep. Gene Wu, and Jessica Vu; Outstanding Mentor—Sakina Rasheed; and Champion of Diversity—Anna Sankaran. CLE topics included: A Conversation with Executive Recruiters, Practical Steps to Minimize Cyber Risk, How to Recognize and React to Implicit Bias, Hot Topics in Labor and Employment Law, and a fireside chat featuring president-elect of the National Asian Pacific American Bar Association

and managing assistant general counsel of Verizon, Jin Hwang. The weekend concluded with the Annual Gala and Awards Dinner, which featured remarks by Daniel Hu, founding chair of APIS, and Judge Todd Wong, the first Asian-American elected to the Travis County judiciary. APIS continues to serve its membership—from law students to legal veterans—through coordination with Asian bar organizations across Texas.

AVIATION LAW

Eric Michael Levenhagen, Chair

The Aviation Law Section of the State Bar of Texas exists to provide education and information that equips, encourages, and supports attorneys practicing aviation law in Texas. We once again had a successful year accomplishing that mission with robust member participation at the Annual Meeting and annual early morning breakfast at the Southern Methodist University Air Law Symposium. During the symposium, we provided a scholarship to an outstanding future aviation lawyer, Jennifer Smiley, and we look forward to continuing this custom in years to come. The section enjoyed its now-established tradition of dinner together the evening before the Annual Meeting, where the food was excellent and the company delightful, all thanks to the sponsorship and outstanding coordination by the Austin law firm of Slack & Davis. We hope you'll join us in the ongoing excitement this coming year.

BANKRUPTCY LAW

Hon. Richard S. Schmidt, Chair

While bankruptcy filings fell this year, the section remains strong and growing. On the CLE front, the section sponsored advanced consumer and advanced business bankruptcy seminars in February. The section began a series of one-day seminars in El Paso. We expect to continue these throughout the state in cities that do not normally hold section CLE events.

We have continued our Starting Out Right seminars aimed at new lawyers interested in bankruptcy. We ended the year with our biannual Bench Bar Conference in May.

Our treasurer, Eduardo Rodriguez, was recognized by the State Bar for his outstanding pro bono participation. He is one of many section lawyers who provide pro bono representation throughout the state—he just does a whole lot of it.

The section is partnering with the American Bankruptcy Institute to administer the CARE/MoneyWise program in schools in Texas. The program teaches youth and adults the basics of financial management.

By the end of the year, we published three newsletters, including a special edition on the predicted crisis in the oil and gas industry.

BUSINESS LAW

Ronald L. Chichester, Chair

The section is revamping its website so that content will be easier to find, forms and document assembly functionality will be included, and CLE will be offered for members.

The *Texas Journal of Business Law*, the scholarly publication sponsored by the section, is in the process of moving to an all-electronic format. This move has three immediate benefits. First, the text of articles will be indexed for easier searching. Second, the section will no longer bear the cost of printing and mailing, which has risen substantially in the past few years. Finally, authors favor an online journal, and it is hoped that a journal that is widely published will entice authors to submit high-quality papers.

The council also voted to support HB 1603, which would create a chancery court system in Texas to handle complex business litigation. The council worked with other sections to mitigate problems with HB 3095, which would affect powers of attorney.

The Business Law Section continues its membership initiatives by engag-

ing law students and informing them of the opportunities in business law. The section donated legal services and continues to sponsor CLE programs with the State Bar, TexasBarCLE, and several law schools.

COLLABORATIVE LAW

Anne K. Shuttee, Chair

The Collaborative Law Section had a very productive year. Through its new Local Bar Project, the section offered a free speaker on collaborative law to almost 200 local bar associations, and section members are now making CLE presentations to bar associations around the state. Through this project, we hope to ensure that every Texas attorney knows about the collaborative law option for dispute resolution.

The section also launched a pro bono project for the provision of collaborative law services to low-income clients in family cases, starting with two cases with Houston Volunteer Lawyers.

On the CLE front, the section co-sponsored the annual Collaborative Law Course advanced seminar and a civil training scheduled for September 2015. We also partnered with the LGBT Law Section for a program at the 2015 Annual Meeting on the use of collaborative law in same-sex breakups.

The section has publicized developments regarding HB 2512 (the Uniform Collaborative Law Act) and also launched a new website, published three newsletters to our members, and submitted comments to the Texas Board of Legal Specialization on proposed changes to board certification requirements.

COMPUTER AND TECHNOLOGY

Joseph Jacobson, Chair

The Computer and Technology Section remains a great resource on the law of technology, technology's impact on ethics, and implications for the practice of law. Members re-

ceive our quarterly online newsletter, *Circuits*, which has addressed topics as varied as ethical issues arising out of online comments to zombies in botnets. If you're unaware of zombies and botnets, you'll want to join our section to keep up with the Texas Legislature, which passed a statute defining both.

Section members receive free membership in the International Legal Technology Association, which has webinars and other free resources and discounted convention admissions. You'll access the same information available to Baker Botts, Dell Inc.'s legal department, and the U.S. Department of Justice—just to name a few of ILTA's other entity members.

You'll find the section's Texas Legal app on Google Play or iTunes. This app, free to section members, is a downloaded version of major Texas codes, some federal technology-oriented statutes, both Texas and federal rules of civil procedure, and the Texas and federal rules of evidence.

Join the Computer and Technology Section to reap current benefits and ensure that topics most important to you are addressed. We are looking for contributors and leaders.

CONSTRUCTION LAW

William W. Sommers, Chair

The Construction Law Section is proud to report the continuation of its commitment to support the educational and professional pursuits of the state construction community at large. Additionally, the section was recognized by the Texas Access to Justice Foundation for its substantial contribution and commitment to justice for low-income Texans, by Justice Eva Guzman's kind words. On to new business, I am happy to report the commencement by filing the formal application with the State Bar for recognition of a specialization designation in construction law. The process is currently in progress and we are hopeful that at its conclusion,

the first exam may be administered in 2016.

CONSUMER AND COMMERCIAL LAW

Melanie Phipps Sanders, Chair

In its tradition of offering quality CLE, the Consumer and Commercial Law Section's Advanced Consumer and Commercial Law Course, a two-day CLE program, was well received, as was the section's CLE offered during the 2014 Annual Meeting and recent webinar.

The section continued its support of legal aid through sponsorship of the Champions of Justice Gala Benefiting Veterans and sponsorship of a benefit dinner for Access to Justice and Texas Law Help.

The section was pleased to receive several strong candidates for the 2015 Craig Jordan Consumer Protection Writing Competition. The winner received a scholarship at the Annual Meeting.

The section employed a new benefit to members: Lexology—a Web-based service that delivers decision and legal analysis.

The section's Listserv remains a valuable tool for its members and an active forum allowing them to tap into the collective expertise of the section's membership. Its topical publication, the *Journal of Consumer & Commercial Law*, continues its long tradition of publishing quality materials that are both current and relevant to the practice of law in Texas.

CORPORATE COUNSEL

Clay B. Scheitzach, Chair

The 2014-2015 bar year was another tremendous year for the Corporate Counsel Section. The section continued its commitment to pro bono services by providing \$50,000 in grants to organizations committed to delivering legal services and extending justice to all. The pro bono committee, headed by Pat Allison and Michael Marin, ensured this section continued to lead

the State Bar in supporting and delivering pro bono opportunities for its members.

The section provided excellent CLE opportunities, including the 37th Annual Corporate Counsel Institute, co-sponsored with the University of Texas School of Law; Advanced In-House; Annual Meeting CLE; and multiple free regional CLE and networking opportunities. I want to recognize Brad Hancock, Jane McBride, Alma Reyes, and Larriet Thomas, who worked tirelessly to deliver these events.

The section continued its delivery of top-quality content relevant to in-house practitioners. The newsletter, led by Aaron Carlson, and the *Corporate Counsel Review*, led by Val Ricks and Steve Stein, again exceeded expectations. If that was not enough information, the section provides the Corporate Counsel Newsstand daily email through our partnership with Lexology.

Connecting with our membership continues to be a focus. Please visit our redesigned website at texascorporatcounsel.com or our section's Facebook or LinkedIn pages.

CRIMINAL JUSTICE

Hon. Doug Skemp, Chair

The Criminal Justice Section had a very active year. The section was able to underwrite two important projects involving the Michael Morton Act. First, we were able to give the Texas District & County Attorneys Association the funds it needed to produce a video covering the responsibilities of a prosecutor in complying with the act. While mainly used as a CLE tool for prosecutors, the video is available to any interested person. The section was also able to provide money to the Texas Criminal Defense Lawyers Association for a study on the costs of compliance with the Michael Morton Act. This study is completed and is available to all interested parties.

The section was also able to reinstitute a newsletter for all members. It will cover caselaw updates and timely articles and features. This newsletter is edited and produced by Cheryl Wattle, a professor of criminal law at the University of North Texas School of Law.

Finally, the section was able to continue its tradition of providing scholarships to the Advanced Criminal Law Course and the Rusty Duncan Course, as well as putting on a CLE presentation at the State Bar's Annual Meeting.

ENVIRONMENTAL AND NATURAL RESOURCES LAW

Jean M. Flores, Chair

The ENRLS continued its tradition of being one of the most active medium-sized sections, with member services, heavy involvement in law school outreach programs, pro bono projects, publications, and conferences. In August 2014, we sponsored the two-day 26th Annual Texas Environmental Law Superconference, a very successful (and entertaining) event that was sold out at 500-plus attendees. In February 2015, we co-sponsored the important Changing Face of Water Rights 2015 conference.

We continue to award Buck J. Wynne Scholarships to the highest-ranking environmental law student at each Texas law school, and fund student internships at several state and county agencies. We also participated in many panel discussions around the state, speaking with law students about careers in environmental law.

Other significant activities this year included: (1) successful pro bono efforts resulting in the planting of 62 trees in drought-affected Houston; (2) publication of *Essentials of Texas Water Resources*, an invaluable resource for water topics (available through texasbarcle.com); (3) publication of the *Environmental Law Handbook*; and (4) publication of the *Texas*

Environmental Law Journal, which we distribute to our section members electronically and make available on our website at texenrls.org.

FAMILY LAW

Jimmy Vaught, Chair

We continue to advance the Family Law Section's goal of providing attorneys for indigent Texans. In 2014, the Pro Bono Committee put together six seminars across the state and planned six more seminars in 2015. The price of admission to the seminar, which qualifies for mandatory CLE credit, is the commitment to handle two family law pro bono matters within 12 months. The section will continue its pro bono efforts, including the development of a webinar. The section also put together a pro bono presentation focusing on domestic violence.

The 2014 Advanced Family Law Seminar was an opportunity for the section to honor family lawyers who have made a significant contribution to the practice of family law, including: Diana Friedman, who was awarded the Dan Price Award; David Carlock, who received the Ken Fuller Pro Bono Award; Cheryl Wilson, who was elected to the Hall of Legends; and Beth Maulsby and Kathryn Samler, who received the Joseph McKnight Best CLE Article for "High Conflict Family Law Matters and Personality Disorders." Harry Tindall received the Gay G. Cox Collaborative Law Award. The Texas Academy of Family Law Specialists awarded its Sam Emison Award to Kathy Kinser.

GENERAL PRACTICE, SOLO, AND SMALL FIRM

Brandon S. Earp, Chair

The General Practice, Solo, and Small Firm Section had an active year in addressing the needs of the largest segment of actively practicing lawyers in Texas. We continue to provide the substantive caselaw and analysis that is necessary to keep

abreast of the changes in our practices each quarter with the publishing of our *General Practice Digest*. We also offer general practice CLE programs in conjunction with the bar and our General Practice Institute.

The council continues to monitor developments within the bar and the Supreme Court as they impact the practices of lawyers. The council backed a pair of resolutions that help define the obligations of lawyers for the retention of client records and the sale of law practices upon termination, retirement, or death of the lawyer. Further, the council has continued to review and comment upon the uniform legal forms being proposed in family law and probate. The council advocates that these forms have only served to create minefields for the poor within our legal system that cannot be fully realized by them at the time they create them.

GOVERNMENT LAW

Kathryn H. Davis, Chair

The Government Law Section continued to expand services to its growing membership, which saw a 15 percent increase this year. We also expanded our outreach to practitioners in every area of government law, from the municipal to the federal level. In accordance with that effort, we were pleased to introduce a monthly e-blast for members. These e-blasts highlight and provide links to current caselaw, upcoming government law-related CLEs, and other items of interest.

The section continues to sponsor the Government Law Boot Camp and is proud to also sponsor the main program this year—the renamed and refocused Advanced Government Law 2015 course (formerly Suing and Defending Governmental Entities). The section is also a co-sponsor of the Open Government Seminar at the State Bar Annual Meeting.

Linda Halpern was honored as the fourth annual recipient of the section's Outstanding Government Lawyer

Award. Halpern was recognized for her 21 years of government law service in a 31-year career. Halpern received numerous awards and recognitions during her time with the U.S. Department of Justice and the Texas Attorney General's Office.

The section also continues to improve and expand its website, txgovernmentlaw.org.

HEALTH LAW

Denise Webb Glass, Chair

The Health Law Section co-sponsored its annual Texas Health Law Conference in October with the Texas Hospital Association, which had more than 250 attendees. In connection with the conference, the section provided scholarships to 19 law students representing six Texas law schools, which enabled them to attend the conference, and hosted a networking luncheon for law students to meet with section leaders and past section chairs. Also at the conference, the section presented its inaugural Distinguished Service Award to J.D. Epstein in recognition of his significant contributions to and promotion of the practice of health law. The section also debuted its new section T-shirt at the conference.

At the American Bar Association Midyear Meeting in Houston, the section, in conjunction with the ABA Health Law Section, sponsored a breast cancer advocacy event.

At the conclusion of the Texas legislative session, the section provided a free legislative update webinar as a member benefit. The section continues to deliver to members a weekly summary of proposed and adopted rules in the *Texas Register* affecting the practice of health law.

HISPANIC ISSUES

Bernardino Agosto Jr., Chair

As I was being sworn in as the chair of the State Bar of Texas Hispanic Issues Section in June 2014, our country was facing a humanitarian

crisis at its borders. Our HIS board and membership seized this opportunity to serve our members and our community by forming a coalition with the State Bar of Texas, among other organizations, for the purpose of training and providing volunteer services to assist the thousands of unaccompanied minors who had crossed our borders. There was a great need for pro bono services to provide unaccompanied children with access to justice, due process of law, assistance during the immigration court proceedings, and humanitarian aid.

HIS stepped up in a big way! We put together an incredible coalition of partners who worked for this great cause. Workshops were organized across the state to train attorneys and volunteers regarding the immigration process. Goods and funds were collected for humanitarian aid. Thank you to all who have donated their time, efforts, and assistance to this worthy cause.

If you have any questions or comments, please do not hesitate to contact me at bagosto@abrahamwatkins.com.

INDIVIDUAL RIGHTS AND RESPONSIBILITIES

Craig Andrew Stanfield, Chair

This past year, the Individual Rights and Responsibilities Section once again worked to educate and promote discussion regarding civil rights and our responsibilities as citizens. Those efforts included supporting the *Texas Journal on Civil Liberties & Civil Rights* and co-sponsoring continuing education courses focused on constitutional issues. Additionally, we once again awarded the Patrick Wiseman Award for Civil Rights. This year, we presented that award in honor of Judge William Wayne Justice.

INSURANCE LAW

Mark A. Ticer, Chair

For \$30 a year, the Insurance Law Section continues to be an excep-

tional and tangible value for those who are confronted with insurance issues full time, part time, or occasionally.

This year, the section has enhanced its website (txins.org) by including a searchable member directory, adding recent court opinions, offering sample pleadings and motions, and creating a searchable library from previous editions of the *Journal of Texas Insurance Law*. The new electronic version of the journal includes linked case citations for mobile devices. The section's weekly "Right Off The Press" email continues to provide the absolute latest Texas insurance-related court opinions. Finally, our "extreme makeover" of the Advanced Insurance Law Course (and Casino Party) at the Hilton San Antonio Hill Country Hotel & Spa was a great success.

This year, the section aggressively solicited its members to become more involved by serving on the council (the governing arm of the section), by participating in committee work, or writing an article for the *Journal*. Volunteers are essential for delivering services and benefits our section members deserve. We solicit your participation and ideas and look forward to a great year under the leadership of Jim Cooper, the section's chair-elect.

INTELLECTUAL PROPERTY LAW

Kristin Jordan Harkins, Chair

The Intellectual Property Law Section continues to enhance the benefits provided to members. Furthering our tradition of offering high-quality CLE, the section hosted two well-received programs: the 28th Advanced Intellectual Property Law Course, a two-day March event in Houston preceded by a half-day patent prosecution workshop; and our CLE program at the State Bar Annual Meeting. The 2015 Advanced Patent Litigation Course will be held in Dallas in July and will cover the anatomy of a patent case.

To better serve our members, the section has revamped its website at texasbariplaw.org. The section has also streamlined its substantive law committees—which include Patent, Trademark, Copyright, and Trade Secret Law—and its member services committees, including Diversity, Membership, Newsletter, Public Relations, *Texas IP Law Journal*, Website, Women in IP Law, and New Lawyers.

The section is actively involved in leading-edge IP issues, filing an amicus brief with the U.S. Supreme Court in the *B&B Hardware, Inc. v. Hargis Industries, Inc.* trademark case and providing resources for Texas lawyers interested in IP with the publication of multiple editions of our newsletter and the *Texas Intellectual Property Law Journal*.

Our section's leadership continued to explore additional initiatives during our second annual spring retreat.

INTERNATIONAL LAW

Andrew Melsheimer, Chair

This year, the council had two primary goals: offering more CLE opportunities to its membership and increasing member participation. We are happy to report that we met these goals and are excited about continued programming and involvement in the coming year.

We hosted CLEs in Dallas, Houston, Austin, and San Antonio. These programs provided the membership with meaningful content on current topics in the international sector. In addition, they provided members throughout the state with an opportunity to expand their networks by meeting others whose practices touch on international matters. Several of our events have allowed the section to partner with other groups—such as the Dallas Bar Association International Law Section, the Texas Young Lawyers Association, the SMU International Law Society, and the Houston Bar Association Interna-

tional Law Section—furthering our outreach efforts. This is in addition to our continued law student outreach to four law schools in the state.

The section welcomes those interested in leadership positions as well as those interested in providing programming. Our goal is to increase participation, offer meaningful CLE opportunities, and foster networking within the membership at large.

JUDICIAL

Hon. David L. Evans, Chair

This year, the Judicial Section faced a challenging legislative session. The Legislative Committee spent countless hours analyzing bills and providing resource testimony to assist the Legislature in making informed decisions, without unintended consequences. When it appeared that HB 1603, the chancery court bill, might pass without a thorough study of the need or probable impact, the section obtained permission to officially oppose the legislation. We also worked diligently through the session to improve judicial compensation. Special thanks is due to Judge Alfonso Charles, our Legislative Committee chair, KaLyn Laney with the State Bar, and Hank Mitchell of the Alliance for Judicial Funding for their work.

Our Membership Committee, chaired by Justice Patrick Pirtle, was busy this year looking at ways to increase membership by improving section benefits and educating the judiciary about them.

The Judicial Ethics Committee, chaired by Justice Evelyn Keyes, has taken on several new initiatives, including a review of past opinions from 1975 to the present. If you are a member of the judiciary and have an ethical dilemma, I encourage you to contact this committee to gain insight from your peers.

In September 2014, the section honored Judge Larry Gist with the Judicial Lifetime Achievement Award.

JUSTICE OF THE PEACE COURTS

Howard M. Bookstaff, Chair

We are continuing to work hard in the Justice of the Peace Courts Section. Several of our board members have been instrumental in providing educational opportunities for the attorney and justice of the peace members of our section. During the year, we had two CLE luncheon presentations. We also had a CLE presentation at the Annual Meeting on June 18, 2015, followed by a social that evening.

The purpose of our section is to: (1) further the administration of justice in the justice courts; (2) provide a forum for the exchange of information on matters of practice and procedure in justice courts; (3) provide information and educational opportunities for the membership; and (4) cooperate closely with the State Bar of Texas and other professional organizations in developing, supporting, and promoting legal and professional activities affecting justice courts.

In addition to licensed attorneys in good standing with the State Bar of Texas, membership in the Justice of the Peace Courts Section is now open to all current and former Texas justices of the peace. Justices of the peace who are not licensed attorneys can become associate members of the section.

JUVENILE LAW

Kevin L. Collins, Chair

The section hosted the 28th Annual Robert O. Dawson Juvenile Law Institute in Fort Worth this past February. The conference was well attended and well received. The format was a bit different this year, with no breakout tracks and three keynote speakers instead of one. There was also a special video tribute to the late Professor Robert O. Dawson, whom the conference is named after, providing details of his life's work in juvenile advocacy. The annual tradition of a fundraiser auction for scholarships continued, and several thousand dollars were raised to benefit youth

who have been sentenced to the Texas Juvenile Justice Department and would not otherwise be able to afford college expenses. Each year, one of the scholarship recipients speaks at the conference, describing the impact of the funds on his or her life—and this year was no exception. Several local bar associations donated money to the fund this year, including the Houston Bar Association, which contributed \$10,000.

These are times of positive change in how Texas handles youth offenders, and I look forward to being involved in this continued evolution.

Please visit juvenilelaw.org for more information on our section.

LABOR AND EMPLOYMENT LAW

Clara "C.B." Burns, Chair

Continuing our tradition of offering high-quality CLE programs for employment lawyers on both sides of the docket, the Labor and Employment Law Section hosted its 25th Annual Labor Law Institute in September 2014. The featured speaker was Peggy Mastroianni, legal counsel to the U.S. Equal Employment Opportunity Commission. We will host our 26th Annual Labor Law Institute, which promises to be another great program, on September 18-19, 2015, at the JW Marriott in San Antonio.

The section provides information to its membership in other ways as well. We maintain a website, laborlaw.org, that highlights activities of the section and features a jury charge database that includes hundreds of actual jury instructions and questions used in federal and state employment cases in Texas. The section also electronically distributes the *Labor and Employment Law Newsletter*, which summarizes recent federal and state law employment cases.

Finally, the section is proud of its efforts promoting pro bono and internship activities. This year the section awarded more than \$40,000

to fund grants and internships to legal service providers and other organizations for use in areas involving labor and employment law.

LAW STUDENT DIVISION

Belashia Wallace, Chair

This was a record-breaking year for the Law Student Division in membership numbers, program attendance, and scholarship recipients. This was also the first year that a "Law Students" column, featuring success tips for Texas law students, was in each month of the Texas Young Lawyers Association's *eNews*. For a \$15 annual LSD membership fee, law students become automatic members of TYLA, obtain a student bar card that includes their lifetime bar card number upon passing the Texas Bar Exam, receive a free LSD T-shirt, get free registration to TexasBarCLE live and video replay seminars, plus much more! This year, Texas Southern University Thurgood Marshall School of Law made the most improvement. It had the highest number in LSD program attendance, scholarship recipients, and membership, increasing from fewer than 40 student members last school year to nearly 200 student members. Our record-breaking LSD year would not be possible without the guidance of our Project Coordinator Bree Trevino, along with our law student representatives: Latoya Merida, Benjamin Martinez, Matt Gaffron, Connor Buchanan, Ashley Teague, Victoria Vish, Adam Taylor, Jennifer Coffee, Rebecca Fischer, Michael Bellacosa, Amanda Roark, Caitlin Neal, Eric Firouzbakht, Aubrey Noonan, Jeffrey Kirk, Rebecca Bellay, and Andrew Yeh.

LEGISLATIVE AND CAMPAIGN LAW

Ross Fischer, Chair

Formed in April 2014, the section had a productive first year. At the bar's 2014 Annual Meeting, the section sponsored presentations discussing hot topics in the areas of

campaign finance, lobby, and election law. The section distributed its inaugural e-newsletter in October, featuring analyses of recent court decisions, pending rulemaking, and ethics advisory opinions.

In December, the section sponsored a well-attended seminar covering legislative drafting, Texas legislative parliamentary procedure, and an insider's look at the 84th legislative session.

In February, Gov. Greg Abbott declared ethics reform legislation to be an emergency item, citing conflicts of interest, campaign finance disclosures, and contracting by state officials. The declaration focused attention on this important and quickly changing area of the law. In response, the section distributed its second e-newsletter, which covered the governor's emergency ethics declaration, changes to the House and Senate rules, challenges to the state's lobby law, and regulatory actions taken by the Texas Ethics Commission.

The section also debuted its website, legislativeandcampaignlaw.com, which includes its CLE course materials and e-newsletters. Finally, in conjunction with the 2015 State Bar Annual Meeting, the section sponsored a half-day seminar dealing with legislative changes to state ethics laws.

LGBT LAW

John V. Trevino Jr., Chair

The LGBT community saw monumental changes in 2014-2015 at both state and federal levels. As a result, significantly more Texas lawyers represent LGBT clients who are affected by these changes. Building on last year's efforts, we increased exposure of LGBT law issues to the full bar and emphasized the impact of these changes on various areas of law. We sponsored several CLE webcasts and live programs on data privacy, military and veterans issues, marriage equality, employment law, employee benefits, religious exemptions, family

law, and LGBT estate planning. The speakers included nationally recognized scholars and practitioners Gordon Tanner (general counsel of the U.S. Department of the Air Force), Shannon Minter, Professor Arthur Leonard, Hon. Phyllis Frye, Donna Wilson, and Jody Scheske. The section successfully partnered with the Computer and Technology, Military and Veterans Law, Individual Rights and Responsibilities, and Collaborative Law sections, stressing the expansiveness of LGBT law issues in different practice areas. We continued to take a more active role with the efforts of the Diversity in the Profession Committee, providing newsletter content and diversity CLE speakers. The section's proposed bill to repeal Texas's unconstitutional sodomy statute was again included in the State Bar's legislative package.

LITIGATION

Patricia Long Weaver, Chair

The Litigation Section is pleased that its new members-only website is fully functional and now provides access to current and past issues of the section's journal, the *Advocate*, as well as access to its quarterly newsletter *News for the Bar*. The website also now includes free CLE, currently offering six substantive hours and more than one hour of ethics. This CLE is in addition to the litigation update and CLE track offered at the Annual Meeting. This year the section continued its program of honoring Texas Legal Legends, inducting Robert Black and George Chandler. The section also awarded six internships for legal aid groups and is in the process of considering grant applications for other legal-directed charity projects. Having been a legislative session year, the *LS Snap* and the Legislative Committee worked hard monitoring bills, disseminating information to our members, and receiving permission to oppose the chancery court bill. Finally, the web-

site contains a membership directory as an additional benefit.

MILITARY AND VETERANS LAW

Linda K. Webster, Chair

The Military and Veterans Law Section held two CLEs, which provided excellent training regarding military and veterans law issues.

In October 2014, the MVLS held a joint-training CLE with the American Bar Association's Standing Committee on Legal Assistance for Military Personnel. Topics covered in the presentations included common issues in divorces involving military personnel, the Servicemembers Civil Relief Act, the military medical disability process, preparation of estate planning documents for military personnel, and Veterans Affairs rating procedures. Attendees included military attorneys, government civilian attorneys, and civilian attorneys in private practice.

The MVLS held a CLE at Texas Tech University School of Law in Lubbock in February 2015. Despite a snowstorm, the CLE was able to proceed. Topics covered included characterization of military discharges and how that affects VA benefits, a framework for evaluating changes to the Uniform Code of Military Justice, an update on the changes to the Uniform Code of Military Justice from the National Defense Authorization Act of 2014 and 2015, and the operation of veterans courts.

A business meeting for the section was held after each CLE. Next year will include the Biennial Institute, so expect another great year of CLEs from the MVLS.

MUNICIPAL JUDGES

Hon. Joyce Elaine Marshall-Augustine, Chair

This has been a year of development for the Municipal Judges Section. The trend throughout the state has been a focus on our youth and the continued education of judges.

The Municipal Courts Education

Center is developing the Online Learning Center, which will offer a variety of professional development courses that relate to municipal courts and will be a useful research tool for judges. One of the newest courses is the Evidence Primer, and we anticipate this program to grow to cover topics that are of interest to new judges, clerks, prosecutors, and bailiffs. We continue to participate in the flexible judicial education training that is offered by the Texas Municipal Courts Education Center.

The section also watched closely all the legislative bills that may affect judges as well as the bills that relate to juveniles, as many teen courts are emerging across the state. This year's presentation concerning teen courts and juvenile case managers should prove to be educational to the courts that are moving toward hiring juvenile case managers in their cities as well as developing teen courts.

NATIVE AMERICAN LAW

Ron Jackson, Chair

The Native American Law Section focused on three matters in 2014-2015. "Homecoming" was the theme of our annual conference on January 30, 2015, as we invited founding members and past leaders of the section to be honored with commemorative medals, followed by traditional music and dancing accompanied by the eagles of Sia (comancheeagle.org).

Topics included a federal Indian law overview by Ray Torgerson, an update of Indian law by Ron Jackson, and a panel discussion on the Indian Child Welfare Act, which included founding member and former section chair Tricia Tingle, who is the associate director of Tribal Justice Support at the Bureau of Indian Affairs of the U.S. Department of the Interior.

The other two items included a bar-approved statement of support for legislation pending before the Texas Legislature, a first for the section, and the section's plan seeking to involve

members in rewriting the section bylaws and developing opportunities to create and implement programs to better serve and assist members working with tribal communities and families, as well as coordinate efforts with like-minded organizations.

OIL, GAS, AND ENERGY RESOURCES LAW

David Michael Patton, Chair

Our section's 76th year was a good one despite falling oil prices. Membership has topped 5,000 for the first time. We have held or are planning more programs than ever before. Cumulatively, we experienced record attendance for OGERL-sponsored CLE. Our planning committees and faculties have consisted of incredibly talented and experienced volunteer educators and practicing attorneys. Our website has been significantly improved and is now a wonderful learning resource.

Since October 2014, our members have benefited from a complimentary copy of *Ernest E. Smith Selected Works*, a 75th anniversary gala featuring Daniel Yergin, quarterly section reports, a website with relevant information and access to past publications, and discounts for admission to section CLE events.

A hardbound *Landmark Cases* will soon be sent to the printer for distribution to members. We also hope to have a new women's initiative ready for fall 2015. The council is seeking ways to attract young lawyers and to be more diverse. We have also begun consideration of a Mexican law initiative that would help our members take advantage of recent developments in energy law by our southern neighbors. Finally, we are planning events to reach out to members where major CLE events are not held.

PARALEGAL DIVISION

Clara Luna Buckland, President

The Paralegal Division has 1,743 members! Megan Goor of Fort Worth was elected as the 2015-2016 president-elect. In October, the board estab-

lished an additional District 1 directorship. On April 8, elections for odd-numbered districts were completed, and for the first time in many years, the PD has a full board. Award presentations were made at the State Bar Annual Meeting, and the 2015-2016 board of directors was installed. Texas Advanced Paralegal Seminar 2015 Saddle Up for CLE!, a three-day multi-track continuing legal education event, will be held in Fort Worth on September 30-October 2. More than 70 attorneys will present on various substantive legal topics. The Web-based PD app went live on February 20. Once members log on, they can manage their CLE hours and then read the *Texas Paralegal Journal* on their handheld devices. The e-newsletter, the *Paralegal Pulse*, launched in May 2014 and is published on the last Thursday of each month. The PD continues to work with the State Bar's MCLE Committee on its efforts to have the MCLE Rules and Regulations revised to allow teaching credit to be given to attorneys who present substantive continuing legal education to paralegals.

POVERTY LAW

Matthew Brian Probus, Chair

The Poverty Law Section had an excellent year. The section continued its First Friday CLEs. Topics included a range of issues helpful to the delivery of legal services to the indigent and vulnerable. The section completed the redevelopment of its website, making it more informative and easier to use. The section's committee on Texas Rule of Civil Procedure 145 and Interest on Lawyers' Trust Accounts certificates developed a summary report of issues that various counties have seen in the filing of Rule 145 certificates and problems surrounding e-filing of those certificates. At this year's Annual Meeting, the section presented a CLE on resources for attorneys handling pro bono cases and hosted a

happy hour. The section's Nominations Committee accepted nominations for the annual Impact Awards and Noble Award, which were presented at the section's annual meeting. The Impact Award recipients were Veronica Carbajal of Texas RioGrande Legal Aid and Gene Rollins of Legal Aid of NorthWest Texas. The recipient of this year's Noble Award was Fred Fuchs of Texas RioGrande Legal Aid.

PUBLIC UTILITY LAW

Susan Gentz, Chair

The Public Utility Law Section will host its annual conference and seminar on Friday, August 28, 2015, at the AT&T Executive Education and Conference Center in Austin. The event will begin with our annual section meeting, followed by a continuing legal education program that will address issues of interest to practitioners involved in electric, communications, water, and natural gas regulation. Panels of practitioners will discuss recent decisions and rule-making proceedings at the Public Utility Commission of Texas and the Railroad Commission of Texas that impact utility rate cases and other subjects of interest. Specifically, presentations will address ratemaking reform in the electric and gas industry and the designation of transmission providers to construct new transmission lines. PUC staff and industry representatives will offer their perspectives on how the transfer of water utility regulation to the PUC is playing out. Key developments in telecommunications and cable will be discussed. There will be a wrap-up of developments in the recent legislative session, as well as our traditional caselaw update and ethics presentations.

REAL ESTATE, PROBATE, AND TRUST LAW

Richard L. Spencer, Chair

The section published four issues of the *REPTL Reporter* for our mem-

bers. More than \$35,000 in CLE discounts were provided to our members this year. A full legislative package was submitted to the State Bar and approved for inclusion to the Legislature with other State Bar bills. The Public Service Committee gave grants totaling nearly \$50,000 to agencies assisting underserved citizens in the real estate, probate, and trust law areas. In conjunction with the Oil, Gas, and Energy Resources Law Section, REPTL funds the writing and publication of the Texas Title Examination Standards. This year REPTL updated and revised its bylaws. The REPTL writing contest awarded prizes to three deserving law school students. The Common Interest Ownership Law Committee, which deals with property owner's association matters, began the process to start a new area of specialization. Lastly, REPTL is working with the Houston Parks Board on the Bayou Greenways 2020 project to provide additional hike and bike trails.

SCHOOL LAW

Juan Cruz, Chair

This year has been an extraordinary one for the School Law Section. A new website committee was established, headed by Michael Currie and including members Julie Allen, Mari McGowan, Mark Tilley, and Leticia McGowan. The committee produced an excellent website for our members and those who are interested in joining the section. The section also hosted its annual University of Texas School of Law School Law Conference, which was held at the Renaissance Hotel in Austin. The event was sold out thanks to the efforts of our planning and faculty members who contributed their time and energy. On July 23-25, 2015, the section will hold its annual retreat at Moody Gardens in Galveston, where section members will hear presentations on cutting-edge legal issues and enjoy

activities with family members in a fun and relaxed setting. The membership of the section continues to grow primarily because education is a strong focus of Texas families, interested stakeholders, the courts, and the Legislature. Given such interest, the section welcomes all lawyers who may be interested in the area of school law to join and learn about the varied practice of school law and keep up-to-date on the latest trends impacting education.

TAX

Andrius R. Kontrimas, Chair

This was another strong year for the Tax Section. We launched a new website that is faster, easier to navigate, and has a bold new look. It includes Twitter and LinkedIn functionality.

We selected Sander Shapiro as the recipient of the 2015 Outstanding Texas Tax Lawyer Award and the section graduated its second Leadership Academy class. Our Leadership Academy guides the next generation of tax lawyers by providing participants with mentoring, opportunities to get involved in leadership committees, programs on topics every tax lawyer should know, and networking opportunities. The section's Government Submissions Committee sent 11 comment letters to the IRS, Texas Comptroller, and Texas Department of Insurance.

The section continued its award-winning pro bono program of assisting pro se litigants during U.S. Tax Court calendar calls. We continued our long-standing tradition of providing live CLE by hosting seven CLE events. We visited seven law schools to host our Tax Career Day panel where tax lawyers discuss what they do and answer student questions on how to become a tax lawyer. We awarded four \$2,000 scholarships to law students demonstrating academic excellence and commitment to the practice of tax law. We also published three issues of the *Texas Tax Lawyer*.

TEXAS ENTERTAINMENT AND SPORTS LAW

Craig Crafton, Chair

The Texas Entertainment and Sports Law Section had a great 2014-2015 bar year. TESLAW sponsored the annual Entertainment Law Institute in Dallas, presented a great panel of ethics speakers at the 2014 State Bar Annual Meeting, and hosted a South By Southwest networking event in Austin. TESLAW supported the Texas arts community with a financial contribution to the nonprofit Texas Accountants and Lawyers for the Arts.

In addition, TESLAW produces the leading *Texas Entertainment and Sports Law Journal* and provides a quarterly e-newsletter as membership benefits. The journal and e-newsletter can be accessed through the TESLAW website (teslaw.org), where section members can join a searchable database of entertainment attorneys. In addition to the famous “Rock Star Attorney” merchandise, the section rolled out a new line of TESLAW T-shirts featuring the slogan, “Because Everyone is Working on a Screenplay.”

Recognized by entertainment law practitioners and business leaders, TESLAW continues to find strength and its future from the active and energetic section leaders as entertainment law evolves and grows with the entertainment and media industry in Texas.

WOMEN AND THE LAW

Eleanor Anne Bryant, Chair

The Women and the Law Section continues to grow, now at nearly 800 members. This year at the Annual Meeting, we were pleased to partner with several other bar sections to present the Diversity Forum, featuring panel discussions on diversity, inclusion lessons, and unconscious bias. Following our annual reception, co-hosted this year by the Bexar County Women’s Bar Association, we presented a CLE on implicit bias in firms and in

the courtroom, titled “Status Report on Sticky Floors and Glass Ceilings.”

At our section membership meeting, the accomplishments of two of our state’s most extraordinary women attorneys were celebrated: the Sarah T. Hughes Women Lawyers of Achievement Award was presented to Carol E. Dinkins, and Kathleen J. Wu was honored with the Louise B. Raggio Award. Many thanks to these women, and to the dozens of deserving nominees, for inspiring us with their dedication to the profession.

I am joined by our incoming Chair Chelsie King Garza in inviting you to connect with us in the coming bar year as we continue the conversation on how to improve the practice of law for Texas women. We look forward to hearing from you!

WORKERS’ COMPENSATION

Michael Sprain, Chair

The Workers’ Compensation Section experienced an exciting year. In August 2014, the section had its yearly party and fundraiser with proceeds being donated to charitable organizations selected by our mem-

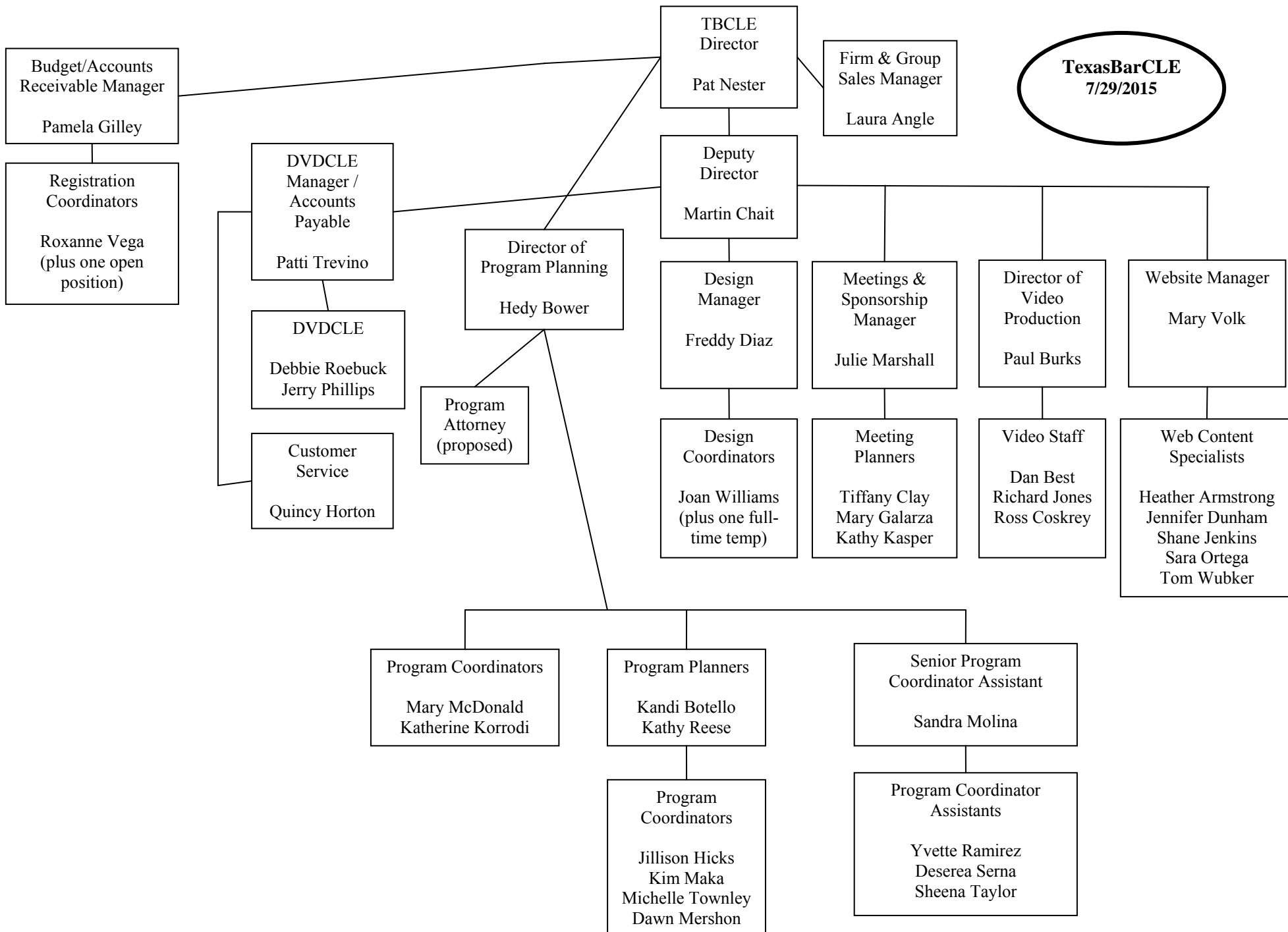
bership. Lea Buffington, Kyle Morris, and John Molinar spearheaded the casino night event that was an overwhelming success. Members from both sides of the docket were able to come together for the benefit of several organizations. Thanks to the organizers’ work, a better-than-expected turnout occurred and more than \$6,000 was raised for the charities.

The section continues to keep members apprised of current events through our website, newsletters, and email blasts. Ken Wrobel, our newsletter editor, has performed admirably by collecting articles from members and providing appeals panel summaries. Thank you, Ken, for your diligent work for the section.

In August 2015, the 12th Annual Advanced Workers’ Compensation Seminar will take place in Austin. During the seminar, Judy Ney will be assuming the position of chair of the section. Judy will be the first hearing officer from the Texas Department of Insurance, Division of Workers’ Compensation, to chair the section. We all look forward to her leadership during the course of her term. **TBJ**



Exhibit 15



BUSINESS MEETING

- Business Meeting with the Business Team, Program Planners and Event Coordinators
- Choosing a Course Director

PLANNING MEETING

- Schedule Planning Meeting
- Reserve room for meeting and enter room setup information
- Enter proposed planning committee members into event manager database
- Send out planning meeting invitations and track R.S.V.P.s
- Assemble Planning Meeting packet
- Order lunch for the planning meeting
- Send directions and parking information to the attendees
- Reserve parking spots as needed
- Conduct Planning Meeting
- Take notes and document proposed agenda and speakers
- After the meeting, create agenda to send the Course Director and planning team for review

PROGRAM AND SPEAKER CONFIRMATION

- Enter program into Event Manager and merge into tentative agenda
- Send Planning Committee Confirmation Instructions
- Track Speaker Confirmations and update agenda. Follow up with Committee and Course Director as needed
- Send out Speaker/Author Packets

PRICING MEETING

- Send event coordinators the pricing worksheet
- Reserve room for pricing meeting
- Send Business Team pricing worksheet
- Participate in pricing meeting for course
- Send out final pricing sheet for activating online
- Enter prices and course info into Event Manager
- Have the web team make registration live

PRE-MARKETING ACTIONS

- Register course for a MCLE number
- Send agenda to Texas Board of Legal Specialization for areas of specialization
- The New Marketing Hub
- Build Preview Page and Post to our Website
- Build a Brochure Template and send to Marketing
- Draft a Course Director Letter
- Build Marketing Lists
- Request a Brochure Bid
- Using In-Copy for your Brochure
- Sending Brochure out for Proofing
- Create Work Order and Mailing Lists for Purchasing
- Review Blueline
- Building Eblasts

MARKETING

- Send updated mailing lists to the Printing Coordinator before future mailing
- Send copies of brochure to planning committee and speakers
- Put brochures in files
- Put a copy of each brochure in mailboxes
- Send out Course Director Letter
- Copy over Eblasts
- Other Forms of Advertising and Marketing (Social Media)

SPEAKER/AUTHOR REMINDERS

- Welcome to the Faculty
- Author/Speaker Packet Confirmation
- Moderator Instructions
- 6 Week Article Reminder
- Teleconference Reminder
- Hotel and Travel Reminder
- Last Article Reminder/ Late Author
- AV needs/Power Points Due and directions/course and location information
- Reimbursement Information to Faculty

PRE-COURSE PREPARATION

- Check in articles and bios
- Approve book covers
- Send book order #'s to Program Coordinator Assistants
- Make signs/Power Point break slides
- Prepare announcements
- Have Program Coordinator Assistants make bio packets
- Send Course Director instructions
- Build Eblast to registrants with directions etc.
- Send Speaker list to registration team with times needed for nametags and roster
- Check in Power Points and make master drive and Audio-Visual guide
- Schedule and attend pre-con with staff
- Check registration supplies and pack crate
- Schedule pre-con with hotel/facility
- Travel to site

ON-SITE DUTIES

- Participate in hotel/facility pre-con and do set up
- Greet Course Director and speakers on site
- Check in Registrants
- Watch your schedule and take updated and new Power Points and get to Audio-Visual team
- Set up Brochure Table
- Retain copies of any handouts for your Program Coordinator Assistants
- Tip Hotel Staff
- Fill out onsite receipt sheet
- Arrange for leftover materials to be returned to Ginny's and State Bar of Texas as needed

POST COURSE ACTIONS

- Update Event Manager and speaker lists with any no shows or subs or email Program Coordinator Assistants this info
- Give Program Coordinator Assistants copies of any handouts to update book
- Fill any speaker requests for book shipments etc.
- Have Program Coordinator Assistants generate thank you letters and sign within a week of the course
- Review evaluations and send to Course Director
- Fill out after action report and send to the Budget/Accounts Receivable Manager
- Make sure marketing/Eblasts are done for any video replays
- Check book numbers for video replays
- Send Program Coordinator Assistants book numbers for video
- Review video schedule from Marketing Team

WEBCAST PLANNING AND EXECUTION

- What is a webcast? Where do we get the ideas for these topics? Who is involved and in what roles?
- Administrative Tasks
- Articles, Power Points, and due dates
- The day of the event
- Post webcast actions and Evaluations
- Webcast replays



State Bar of Texas

Business Technology Plan

Submitted by

State Bar of Texas
Technology Oversight Subcommittee

Board Approved: 09/19/2014

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Preface

The intent of this document is to establish a baseline plan on which to make sound decisions regarding the acquisition and application of technology within the State Bar of Texas (SBOT). It is also intended to provide guidelines for identifying technologies that should either be employed or avoided to best meet the long-range goals of the organization.

The planning horizon for this document will be a rolling three-year period. The plan will be updated and issued on an annual basis to reflect this changing planning horizon, as well as to identify changes in the internal and external factors affecting SBOT's selection and deployment of technology.

One of the keys to the success of a technology plan is a well-developed organizational mission, established business goals and objectives, and an on-going strategic focus on where the organization is headed. It is on the basis of these business drivers that sound, well-informed, strategic decisions can be made about the deployment of technology for the benefit of the entire organization.

In the following sections, this document will address founding principles for this plan, the corporate goals of SBOT, the necessary assumptions and planning factors on which the plan relies, divisional goals for information technology, and planning guidelines for the technical, operational, and financial aspects of technology implementation. The final section will address more specific objectives for the rolling three-year planning horizon, and will serve as the basis for development of annual work plans, budgets, and operational plans to meet the desired objectives.

The overriding theme that will be maintained throughout this Business Technology Plan is that the focus must always be placed on "business" not "technology." The application of technology is a means to an end- not an end in and of itself. The desired "end" should always be to add value in a way that contributes to the strategic mission of the State Bar of Texas.

Section 1- Laying a Foundation For The Technology Plan

This section describes the foundations upon which this plan is based. These include an overall business focus, key component characteristics, standards, and an enterprise framework approach.

1.1 Business Focus

One of the fundamental principles of this Business Technology Plan is that “Business vision must drive the application of technology within the State Bar of Texas.” From an operational perspective, technology cannot be selected and implemented purely for its own sake. Technology in and of itself has little or no innate value. It is the effective application of technology to meet true business needs that supplies value to the organization or enterprise. Therefore, there must always be underlying business goals and objectives that are enhanced or achieved as a result of a new technology implementation. This approach is necessary to ensure that technology assets are being directed in a way that most benefits the strategic goals of the organization.

An important follow-up to this first principle is that “Technology is an enabler of business vision.” As technology advances, new possibilities to improve business processes and service delivery begin to emerge. These new possibilities drive the reshaping of the organization’s business vision to open new markets, compete in new ways, or to improve the efficiency of internal business processes. The interdependence between business vision and technology advancement is depicted in Figure 1.

The business vision and its attendant goals and objectives drive the business plans that are intended to improve the organization. These, in turn, drive the technology planning process and the establishment of the necessary technical architecture to support the sustainable application of technology for the benefit of the organization. Advances in technology, on the other hand, create new opportunities and offer the means to entertain new business strategies.

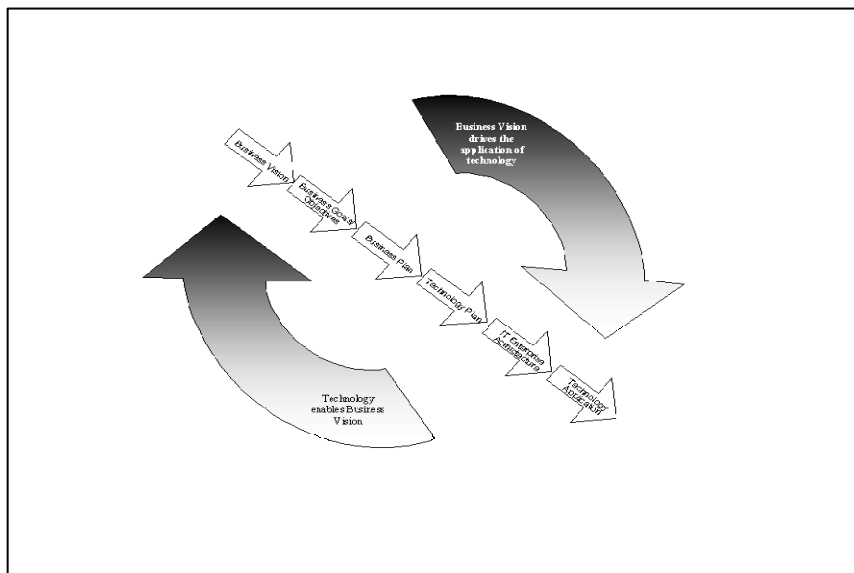


Figure 1 -The Relationship between Business Vision and Technology Advancement

For these reasons, the strategic planning process of an organization is integral to the development of a viable technology plan. The strategic business plans serve as the basis for sound decision-making and ensure that technology investments, like all other investments, are made in a way that best achieves the established business goals and objectives.

1.2 Key Characteristics

Overall, the technology components acquired or implemented by the State Bar of Texas should exhibit the following characteristics:

- **Portability:** the ability of a technology component to operate on various hardware platforms/environments regardless of the manufacturer.
- **Flexibility:** a component's ability to take advantage of new technologies and can be implemented in rapidly changing environments.
- **Interoperability:** the ability of components from different vendors or suppliers to interact, connect and share data and processes in a networked environment.
- **Scalability:** the ability of components to migrate to platforms of greater or lesser computing power with minimal impact to their underlying sub-components
- **Usability:** the ability of components regarding ease of use and to provide intuitive human interfaces.
- **Manageability:** the ability of a component to be easily administered, while still providing rich and secure operations.

By evaluating technology components upon these key characteristics, SBOT will best position itself to make sound, meaningful, and strategic investments that will be in the long-term best interest of the organization.

1.3 Industry Standards

Another founding principle for this Business Technology Plan is the incorporation, adoption and application of industry standards to State Bar of Texas technology implementations. The State Bar of Texas should consider technology acquisitions in light of the recognized technical standards organizations such as The Open Group (TOG), Internet Engineer Task Force (IETF), World Wide Web Consortium (W3C), as well as established business and security standards such as Payment Card Industry (PCI), Sarbanes Oxley (SOX), the National Institute of Standards and Technology (NIST), the Federal Information Processing Standards (FIPS),

In addition to these standards, there are other national and international standards organizations that represent various aspects of the technology industry that must be taken into account. These include:

- **The International Standards Organization (ISO):** which issues standards on numerous subjects, ranging from hardware and software to information processing.

- **The International Telecommunications Union-Telecommunications Standardization Sector (ITU-T):** (formerly CCITT) which issues standards related to telephony and telegraphy.
- **The Institute of Electrical and Electronics Engineers (IEEE) and TIA/EIA:** which issues standards for communications and systems interfaces, including the specifications for wiring and common signaling protocols used in wide, metropolitan, and local area networks.
- **American National Standards Institute (ANSI):** which among many standards, issues American national standards for computer languages, character sets, and the like.

Last, but certainly not least are those standards that are commonly referred to as “defacto standards.” While not necessarily adopted or issued by a formal standards organization, these standards have been widely adopted or accepted by the computing industry at large. Defacto standards include such things as Microsoft Windows, and Adobe PostScript.

Selecting systems that adhere to industry accepted standards and practices enhances SBOT’s ability to integrate and interoperate with internal and external systems, and provides a measure of flexibility in integrating new technologies into the organization’s technical infrastructure.

1.4 System Architectures, Component Frameworks, and Technologies

Another key aspect of technology selection and investment is evaluating current and emerging architectures, frameworks, and technologies in the marketplace, as well their implications for the systems and processes of the organization. This section identifies a number of these areas that the State Bar must consider over the planning horizon when making strategic technology investments.

1.4.1 N-tier Computing Architectures

The explosion of network computing brought on by the explosive growth of the Internet has radically changed the manner in which organizations conduct their business. The “*n*-Tier” model holds that software applications and their business logic may now be distributed across multiple nodes within a system network. This can be most simply represented by a three-tier architecture consisting of clients, application servers, and data servers. In the *n*-tier model, however, this does not necessarily translate into separate physical devices. These three logical tiers may consist of numerous applications, distributed across multiple servers, that all communicate with one another across the network. This is made possible by using an industry standard set of protocols, services, and software application programming interfaces (APIs).

The *n*-tier approach provides a number of significant benefits for the organization. It increases the ability to scale applications up or down, adjust for performance, and to improve reliability through redundancy. Application components can be replicated and distributed across any number of physical systems to provide the desired outcome. These components are also location independent- and can therefore be reconfigured to optimize loading on networks and systems. The Internet itself typifies the inherent flexibility in this computing model. Through it, many of the technical issues such as platform independence are already addressed. The classic Internet protocols (eg. TCP/IP, SMTP, HTTP, FTP) have already enabled the development of portable applications that can be executed inside or outside the confines of a corporate network. This

capability provides a significant business value to the State Bar of Texas in improving the access to the information, services and processes of the organization.

Component based frameworks and distributed object technologies provide the optimum architecture for this type of computing model. Frameworks provide a published set of programming interfaces, a collection of system services, and pre-written code that provides some amount of base application logic. Components can be reused throughout the enterprise applications environment so that business logic is applied consistently and can be rapidly modified to adapt to the changing business environment.

1.4.2 Virtual Computing Architectures

Virtual computing architecture will continue to be another area of investment and growth for the State Bar computing infrastructure. Virtual computing provides a means to reduce the number of required server hardware devices by allowing the organization to run multiple “virtual” or “software-simulated” servers on one physical hardware device. By way of example, an organization could purchase (1) computer hardware server, implement virtualization software such as VMware on it, and then run the equivalent of (5) “virtual servers” on that one piece of hardware. This virtual environment also drives the use of Storage Area Networks or SANs to support the consolidated server structure. Not only do these technologies generate savings by reducing hardware costs, but also on utility, cooling and other data center costs. Lastly, from a maintenance perspective, virtualization can greatly simplify maintenance and recovery to support business continuity initiatives, and by making it far simpler to provision new servers. Virtualization of desktop computing continues to expand, but much slower adoption rate.

1.4.3 Cloud/Client Service Architectural Implementations

The wide deployment of both n-tier architectures and virtualization are also driving the widespread increase of another popular implementation architecture- “Cloud Services.” Such architectures include “Software as a Service” (SaaS),” Storage as a Service(STaaS), Infrastructure as a Service (IaaS), Platform as a Service(PaaS) or other scenarios whereby organizations purchase a “software service” that is remotely hosted and maintained by an Application Service Provider (ASP) or network, computing or storage services that are created and remotely maintained by a hosting provider. For commodity type applications, SaaS has become an increasingly popular way to limit maintenance and infrastructure costs. SBOT currently leverages this type of implementation for video streaming, e-blast communications, elections, business continuity, and for social community platforms. The bar will continue to evaluate use of both Public and Private Cloud services in a Hybrid approach where prudent and beneficial to the operations of the organization.

1.4.4 Social Networks, and Collaborative Technologies

Content and collaboration services that are based on the “friend-of-a-friend” networking model continue to grow rapidly. In addition, they are now a primary mode of communication for a generation that increasingly considers email to be a slower form of information sharing, and that prefers either the real-time or near-real-time experience provided by online tools such as instant messaging, Twitter, Facebook, and the like. In reaching younger generational markets, these technologies are now a key medium. This has further extended to the business marketplace with such tools being utilized to market products and services. More and more, providing, connecting

to, and embedding of collaborative technologies will be an expectation of younger bar members and public consumers of State Bar information.

1.4.5 Mobile Computing, Personal Mobile Devices, and BYOD

The last several years has witnessed the explosive growth of mobile computing devices. This includes the widespread proliferation of smartphones and tablet devices for both consumer and commercial use. Operating systems for these devices have centered on the Apple IOS platform and Google's Android platform as the dominant market players. The Blackberry OS has continued to lose market share, while Microsoft continues to struggle for adoption of its mobile offerings. Hand in hand has been the explosive development of smartphone/mobile device software applications designed to deliver relevant content and data to the mobile user wherever they are. This has led to the growing consumer expectation that any content provided will be delivered in the correct context- taking into account where the mobile user is and what they are doing at any given time. These changes in consumer expectation have driven corporate initiatives to rewrite or otherwise expose traditional web applications and services for access on mobile computing devices. Lastly, because adoption of these devices and applications has been largely driven by the consumer/retail markets, the previously clear distinction between personal and business mobile devices and their use in the workplace environment has become extremely clouded. The vast majority of businesses now have adopted policy, procedures, and systems to permit and support the "business use" of "personal" mobile devices (Bring Your Own Device). Future State Bar implementations will require mobile content delivery to be a major design consideration.

1.5 Security, Compliance, Continuity and Green Technologies

The social, financial, and natural events of the past several years have fostered increased interest and scrutiny on organizations and the way their operation are affected by and affect the world around them. All of the following areas are of specific concern to the State Bar of Texas, and will be considered in technology investments.

1.5.1 Computer and Organizational Security

Particularly with the events of the past two years, security and data exposure continue to be of great concern to most organizations. With the proliferation of new web applications, mobile network access, collaborative tools, and portable devices such as flash drives and smart phones, so too has there been related increase in the number of risk points for access to or exposure of corporate information- many of which circumvent the traditional "firewall" points established by most companies. The continued growth of online commerce, media coverage of sizable security breaches, compliance regulations and consumer focus on identity theft has kept the risk of exposure of financial or other key personal/private data in the forefront for both the public and businesses. The State Bar will be no exception to this, and must focus strategic technological resources on maintaining the integrity of the private information of its members.

1.5.2 Industry Compliance Requirements

The US has seen a dramatic rise in the proliferation of corporate standards for conducting business and performing financial reporting. Chief among these were the Health Insurance Portability and Accountability Act (HIPAA), Sarbanes Oxley (SOX), and Payment Card Industry (PCI) regulations- all of which carry significant requirements related to protecting private information and the technology assets upon which they are stored. Additionally, in the area of litigation, the federal courts continue to promulgate rules for electronic discovery by amending

the Federal Rules of Civil Procedure to include specific definitions and procedures regarding discovery of electronic information. All of these compliance requirements have some degree of applicability for the State Bar, and will require appropriate investment and attention.

1.5.3 Business Continuity

The natural and man-made disasters which have occurred in the recent past, specifically hurricanes Rita, Katrina, Ike and 9/11 have underscored the importance of business continuity planning for organizations of all shapes and sizes. This takes the form of planning for incidents/events of various magnitude and impact, defining recovery requirements and objectives, establishing and testing recovery sites, and so forth. The State Bar of Texas has and will be committing significant focus, effort and resources to ensuring the best possible level of business continuity coverage for the organization.

1.5.4 Green Technology Initiatives

Many businesses have begun to recognize the benefits of using “green” or “environmentally-friendly” technology or operational methods to reduce their carbon footprint and to minimize waste. Aside from reducing the organization’s impact on the environment, these types of initiatives have also been found in many cases to help reduce operating costs as well. The State Bar intends to evaluate use of technologies and operating procedures that promote energy savings, waste reduction, and lessen its impact on the environment. The State Bar’s conversion to virtualized server technologies in the past two years allowed it to lessen its power use and qualified it for energy programs in the Austin metro area.

1.6 Corporate Systems Overview

1.6.1 Current Desktop and Server Computing Platforms

The State Bar of Texas computing environment currently consists of the following mix of computing hardware and operating system platforms:

<i>DESCRIPTION</i>	<i>NUMBER</i>
Desktop computers running Windows 7 (Windows/Intel)	~400
Mobile Devices (Tablet / Smartphone)	30/55
Virtual Application Servers running Microsoft Server on VMware	60+
Remote/Regional Application Servers running Microsoft Server	3
Virtual Web Servers running Microsoft Server on VMware	4

Figure 2 -Current Computing Platforms

1.6.2 Current Networking Platforms

These computing platforms in the previous section communicate via an enterprise network that spans the Local (LAN), Metro (MAN) and Wide (WAN) area, and has the following characteristics:

- Ethernet-Based (IEEE 802.x)
- IEEE compliant Cabling Infrastructure of Category 6/7 Cabling

- Mixed infrastructure containing 10/100/1000mb frame switches
- LAN Transmission Speeds ranging from 100mb to 1000mb
- MAN Point/Point Transmission Speeds of 10MB (Full Duplex)
- WAN Point/Multi-point Transmission Speeds of 10mb (Full Duplex)
- Internet Service Provider (ISP) connection of 802.x 20mb
- (2) Routed Network Connections in the Metro-Area (TBLS/TAJF)
- Managed Ethernet WAN Connections in the Wide-Area
- VPN IPSEC user service at 802.x 10mb

1.6.3 Summary of Major Application Systems

The table that follows represents some of the major computer application systems currently in production use by the State Bar of Texas. These systems are grouped by functional area, and are classified as enterprise-wide global applications (E) or departmental application (D). The vast majority of the applications are classified as being departmentally based, although there are substantial data sharing/integration requirements amongst many of the systems.

<i>FUNCTION SUPPORTED</i>	<i>CLASS</i>	<i>SYSTEM</i>
Accounting/Finance Purchasing Human Resources	D/E	➤ Microsoft Dynamics (SQL)
Advertising Review	D	➤ Custom MS Access System (Access)
Chief Disciplinary Counsel	D E	➤ Justware (SQL) ➤ WebGrants (SQL) ➤ Kwiktag Document Imaging
Lawyer Referral	D	➤ The Associate (Access /SQL) ➤ Online Associate (SaaS)
Minimum Continuing Legal Education	D	➤ Custom MCLE Application (VB/SQL) ➤ FORM1.org (SaaS)
Membership Management Committee/Section Management Texas Lawyers Care Local Bar Management Law Student Division Management Mass Electronic Communications	D/E D/E D/E D/E D/E D/E	➤ iMIS (SQL) ➤ Informz for iMIS (Saas)
Election Management Membership Inquiry	D D//E	➤ VRES (SaaS) ➤ Custom Member Inquiry (ASP/SQL)
Texas Bar CLE Management Supreme Court Video Streaming	D	➤ Custom Website Application (SQL) ➤ Online Video Streaming (SaaS)
Texas Ctr for Legal Ethics	D	➤ Raiser's Edge (SQL)
Minority Affairs Management	D	➤ iMIS (SQL) ➤ Custom Web Appl. (SQL)
Texasbar Connect networking site	E	➤ Web SaaS
TexasbarBlogs blogging site	E	➤ Web SaaS
Texas Board of Legal Specialization	D	➤ Custom Application (Access/SQL)
Tx Access to Justice Foundation	D	➤ Custom ASP.net (SQL) ➤ Webgrants (SQL)

Figure 3 -Current Major Application Systems

1.7 Overview of Technology Improvements

Since the inception of the Technology Plan, the State Bar of Texas has placed a significant amount of emphasis and resources on technology development and investment. As a result, substantial accomplishments have been made since that time. This includes:

- Standardization of:
 - networking infrastructure
 - telecommunications systems
 - desktop platforms
 - server platforms
 - Database platforms & Application Infrastructure
- Implementation of:
 - site-based software licensing practices
 - capital replacement strategies
- Improving technology education and competency
- Coordinated Redesigns of the State Bar online properties
- Development and Enhancement of the State Bar's Online/Social Media Presence
- Vastly improved strategic focus regarding technology at all levels of the organization.
- Replacement of Multiple Business Systems

Progress in all of these areas as enabled the State Bar to continue to provide new and improved services to the growing base of Texas attorneys, despite a decreasing staffing level for the organization.

Although significant achievements have been made, the State Bar continues to identify key areas for improvement. In the coming years, the State Bar of Texas will be focusing much of its efforts in the following areas to further improve its business operations:

- Improving online presence and communications
- Utilizing and integrating collaborative technologies
- Utilizing virtualization, document imaging, and other green technologies
- Improving security, business continuity and regulatory compliance
- Replacing/Improving major regulatory business systems

Through Strategic Plan development, the Continuous Improvement Program, and prudent operational planning, the State Bar continues to identify ways to utilize technology to improve services to its members and attain new operational efficiencies.

It is this corporate focus on targeting the best business-uses of technology that have allowed the State Bar of Texas to maintain a proactive, strategic posture regarding technology investment, and have made it a model for other bars around the country to look to for leadership.

Section 2- State Bar Mission & Strategic Goals

2.1 Establishing A Direction

As highlighted in the first section, the key to the success of a technology plan is a strong focus on the mission and goals of the organization. This section is intended to highlight the mission and goals of the State Bar of Texas from four perspectives: 1) the Corporate Mission of the organization; 2) the Strategic Goals approved by the Board of Directors; 3) the Mission and goals of the IT department; and 4) the areas of IT Strategic Focus identified by the Technology Oversight Committee and the operational divisions of the Bar. All of these together will serve to set the stage for where the organization will focus its technology implementations.

2.2 Corporate Mission

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law and promote diversity in the administration of justice and the practice of law.

The State Bar of Texas is a public corporation and an administrative agency of the judicial department of government as outlined in Chapter 81 of the State of Texas Government Code. Its corporate mission is further articulated by the purposes set forth in Sub-Section 81.012:

“In order that the public responsibilities of the legal profession may be more effectively discharged, the state bar has the following purposes:

- (1) to aid the courts in carrying on and improving the administration of justice;
- (2) to advance the quality of legal services to the public and to foster the role of the legal profession in serving the public;
- (3) to foster and maintain on the part of those engaged in the practice of law high ideals and integrity, learning, competence in public service, and high standards of conduct;
- (4) to provide proper professional services to the members of the state bar;
- (5) to encourage the formation of and activities of local bar associations;
- (6) to provide forums for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relationship of the state bar to the public; and
- (7) to publish information relating to the subjects listed in Subdivision (6). “

2.3 Organizational Strategic Goals

2.3.1 Service to the Public

The State Bar of Texas serves the public by: 1) educating the public about the Rule of Law and the role of judges, lawyers, and the public in the justice system; 2) helping lawyers provide the highest quality legal and community service; and 3) working for equitable access and participation in all aspects of the justice system by diverse groups within our society.

2.3.1.1 Goals

- A. Through education, the dissemination of information and outreach, increase the public's knowledge and understanding of: the rule of law; the judicial system; selection and compensation of members of the judiciary; lawyers' professional ethics; lawyers' standards of practice; attorney discipline procedures; the importance of jury service and the jury process; availability of the client security fund; and fee dispute resolution.
- B. Promote the development of and participation in programs at all levels of education that encourage a more diverse population to select law as a profession.
- C. Assist in efforts to better focus and increase resources by systematically identifying, prioritizing and timely addressing community needs for service, as well as developing appropriate services and programs to address the needs of under-served populations and low income Texans.
- D. Provide and expand opportunities for lawyers and judges to be involved in community service and education.
- E. Enhance the public's and media's awareness of pro bono and volunteer work provided by lawyers, and lawyers' contributions both to the legal community and the public at large.
- F. Identify those areas of law and of the legal system that impact large segments of the general population and provide the public with useful information and education concerning those areas.
- G. Continue to identify and use new methods and technologies by which pro bono services training can be made accessible to more Texas lawyers.
- H. Increase access to consumer legal information for the public, using new technology and media where possible to insure consumers are informed when making decisions regarding legal services.
- I. Explore new ways to promote the Lawyer Referral and Information Service.

2.3.2 Service to Members

The State Bar of Texas seeks to provide all of its members superior services (including continuing legal education, online resources, publications, networking and leadership opportunities, and member benefits) to assist them in offering ethical, high quality legal services and in building and maintaining efficient, effective and productive law practices.

2.3.2.1 Goals

- A. Continue to monitor and study the future of the legal profession in Texas and implement appropriate services to help Texas lawyers adapt to and succeed in the ever-changing environment in which they practice law.
- B. As the legal profession changes, work to adapt the role, function, and services of the State Bar. Increase and continue collaboration with law schools in the development of new services.
- C. Facilitate increased use of State Bar services by Texas lawyers. Develop strategies to increase participation among all attorneys in State Bar elections. Increase awareness of the availability of various CLE options available from the State Bar, including low cost and free opportunities.
- D. Develop and implement strategies to increase bar association involvement among all attorneys, focusing both on service to the bar and networking and career opportunities.
- E. Continue to monitor and enhance the quality of current membership benefits as well as utilization of those benefits by Texas attorneys, and continue to examine the need for changes to the package of membership benefits offered by the State Bar.
- F. Work to increase diversity among the membership of the State Bar, including its Sections, Committees, Divisions and other entities.
- G. Continue to monitor the evolving continuing legal education needs of Texas lawyers and develop new educational programs and resources to address those needs.
- H. Continue to explore new and innovative methods and media by which to deliver continuing legal education to all State Bar members.
- I. I. Increase services to and collaboration with State Bar sections, local bar associations, minority bar associations and specialty bar associations in Texas in an effort to improve and enhance the provision of services to all Texas lawyers.
- J. Continue to monitor and increase services to and collaboration with Texas law schools in an effort to improve and enhance State Bar outreach to all students. Encourage and support the development of mentoring programs for young lawyers and law students by licensed attorneys. Continue to offer State Bar of Texas presentations at law schools. Encourage and support State Bar participation in law school programs that encourage diversity in the legal profession.
- K. Inform Texas lawyers about the State Bar's activities and initiatives to improve the public's perception of and confidence in the Texas justice system, lawyers and judiciary.
- L. On the opening page of the For Lawyers section of TexasBar.com, develop and implement a centralized FAQ for lawyers.

2.3.3 Protection of the Public

The State Bar works to protect the public through its powers to regulate the conduct of lawyers and by promoting ethics and professionalism.

2.3.3.1 Goals

- A. Increase Texas lawyers' knowledge of and compliance with professional ethical standards and disciplinary rules for Texas attorneys through education and the dissemination of information.
- B. Educate the public and attorneys about pre-grievance dispute resolution through the Client-Attorney Assistance Program.
- C. Educate the public and Texas lawyers about the State Bar grievance system and the Client Security Fund and continue to ensure there are sufficient funds for disbursement.
- D. Review and recommend such improvements as may be necessary to ensure a fair and effective disciplinary system and dispute resolution procedure, and continue monitoring the diversionary program for impaired attorneys.
- E. Review and, if necessary, improve voluntary mediation and dispute resolution procedures to attempt to resolve allegations of attorney misconduct that are classified as inquiries or are classified as complaints that are subsequently dismissed.

2.3.4 Access to Justice

The State Bar of Texas works to ensure access to justice for all.

2.3.4.1 Goals

- A. Augment pro bono services.
- B. Build and support partnerships to increase legal services delivery.
- C. Increase the visibility of pro bono efforts and access to justice issues.

2.3.5 Sound Administration & Resources

The activities and services of the State Bar shall be administered at a high level of efficiency and professionalism, in conformance with best practices observed by Texas state agencies and by bar associations of similar size and scope.

2.3.5.1 Goals

- A. Assess, enhance, and develop and review a biannual plan for the training and mentoring of new Board members and State Bar staff.
- B. Review, and if advisable, develop a plan and system for deciding if and when to reapportion State Bar districts to better reflect and represent the geographical distribution of State Bar members.
- C. Review and improve processes for handling customer service requests, including tracking, analysis, and reporting.
- D. Identify and pursue appropriate technological solutions and protections to improve the State Bar's ability to perform its functions.
- E. Provide for the continued maintenance and ongoing assessment of improvements to the Texas Law Center and other facilities occupied by the State Bar in conjunction with the implementation of the State Bar's five-year Real Estate Strategic Plan.
- F. Continue the emphasis on diversity, quality, and efficiency within all levels of the staff of the State Bar.

2.3.6 Financial Management

The State Bar shall conduct its fiscal affairs in conformance with the best management practices observed by Texas state agencies and by bar associations of similar size and scope.

2.3.6.1 Goals

- A. Identify and pursue Identify and pursue methods to safeguard and improve the efficiency and effectiveness of managing the State Bar's financial resources.
- B. Conserve State Bar assets and forestall increases in member dues and fees, maximize services to the public and State Bar members, and support the infrastructure necessary to efficiently provide those services.
- C. Continue to develop and maintain a long-term financial plan for the State Bar of Texas to assure adequate reserves for both the general fund and other special capital funds.
- D. Ensure the best possible financial and internal audits, through competent financial staff and through Board oversight.
- E. Annually review the State Bar's financial and reporting requirements to ensure effective and efficient compliance with the State Bar Act.

- F. Improve communication between the State Bar staff and sections in all areas, including but not limited to financial management and reporting.

2.4 Information Technology Mission & Strategic Goals

2.4.1 Mission Statement

To provide the highest quality business systems and services possible in order to meet the mission and the strategic goals of the State Bar of Texas.

2.4.2 Information Technology Goals

- A. To provide a stable, well-functioning information processing environment in which to conduct the State Bar of Texas' day-to-day business functions.
- B. To provide a secure information processing environment which safeguards both public and private information.
- C. To provide rapid resolution of technology related problems in order to minimize the operational impact on the State Bar of Texas, its members, or its constituency.
- D. To provide a flexible information technology infrastructure that can accommodate the integration of new systems, technologies and architectures.
- E. To stay abreast of new technologies and trends in the technology industry in order to provide strategic leadership to executives regarding how such developments might impact or be employed by the State Bar of Texas.
- F. To assist in the education of State Bar of Texas staff and members with regard to the effective use and deployment of information technology and to set an example for bar associations across the United States.

2.4.3 Strategic IT Focus Areas for the State Bar of Texas

In support of the Strategic Business and Technology goals, the Business Technology Plan identifies four Strategic Focus Areas (SFA's) in which to categorize its technology initiatives: 1) *Infrastructure*; 2) *Business Systems*; 3) *E-Business*; and 4) *Security, Compliance & Green Technologies*. The following sections define each of these SFAs.

Strategic Focus Area #1- Infrastructure: *Develop, implement, and maintain a standardized Information Technology Infrastructure capable of supporting the organization.*

Strategic Focus Area #2-Business Systems: *Develop and implement enhancements to current Business Systems that improve business processes, improve the integration and availability of business data, and to educate technology consumers.*

Strategic Focus Area #3- E-Business: *Develop and implement projects that expand The State Bar of Texas' online presence and its ability to do electronic business and commerce.*

Strategic Focus Area #4-Security, Compliance & Green Technologies: *Migrate the organization towards processes, systems, and equipment that support business and security compliance, business continuity, and attaining environmental goals such as reduction of paper consumption, waste reduction, energy use reductions and proper environmental disposal.*

Section 3- Assumptions & Planning Factors

3.1 General Assumptions

General assumptions are those planning assumptions assumed to be true with regard to the overall operational, fiscal and legal conditions of the organization.

Operational

Board Consideration- The Board of Directors will consider and evaluate the approval and funding of various technological plans, goals, and objectives by weighing the projected cost against the overall benefit derived for SBOT operations, its members, the judiciary, and the public of the State of Texas.

Hybrid Delivery Structure- The Board of Directors will continue to embrace the current hybrid methods of IT delivery, a combination of both internal and contracted resources.

Decentralized Facilities- SBOT will continue to operate in multiple facilities that are located geographically across the State of Texas.

Fiscal

Budget Approval- Budget and funding levels will continue to be established on an annual basis to coincide with a fiscal year beginning June 1 and ending May 31 by the State Bar of Texas Board of Directors, with final approval by the State of Texas Supreme Court.

Information Technology Related Funding-It is assumed that the Board of Directors will provide continued funding to currently endorsed and established plans and projects.

Information Technology Capital Funding Sources- It is assumed that the State Bar of Texas will continue to use a combination of General Fund Capital and Technology Fund Capital as the funding sources for I.T. related projects.

Procurement- All operational and capital purchases must be procured through and in accordance with State Bar of Texas board-approved policies and procedures.

Legal

SBOT Funding Authority- SBOT will retain the statutory authorization to establish a budget, as approved by the State of Texas Supreme Court.

Statutory Authority- It is assumed that SBOT will continue to have those authorities and responsibilities expressly outlined by the laws of the State of Texas.

Legal Resources- It is assumed that the Legal Counsel of the State Bar of Texas will provide legal counsel for the development of I.T. related contracts, and for litigation on behalf of SBOT, if necessary.

3.2 General Planning Factors

General planning factors are those factors that must generally be taken into consideration in the development and execution of business plans for the organization.

Operational

SBOT Policies & Procedures- Established SBOT operating policies and procedures.

Approved Departmental Operating Plans- Operating plans submitted by departments for the execution of departmental goals and objectives.

SBOT Organizational Structure- Current as well as any future changes to the SBOT organizational structure.

Risk Management Guidelines- Guidelines recommended by the SBOT risk manager for the management of IT related risk.

Fixed Asset Management Guidelines- Guidelines or procedures recommended or established by the fixed asset manager for the protection of IT related assets.

Texas State Library Archives (TSLA) Records Retention- Guidelines or procedures recommended or established in order to comply with TSLA requirements and the applicable Open Records statutes of the State of Texas.

Fiscal

SBOT Annual Operating Budget- Established operating or capital budget levels for any given fiscal year.

Internal and External Auditor Requirements- Auditing requirements or changes to financial policy or procedures for SBOT as a result of financial or operating audits.

Procurement Policy & Procedures- Changes to existing or future purchasing methods, policies or procedures.

Grants- Policies, procedures, guidelines, and regulations associated with the award and use of grant funds to agents or departments of SBOT.

Legal

Licensing Agreements- Contractual obligations of SBOT set forth in agreements for the use of licensed computer software, hardware or other technology related equipment.

Service Agreements- Contractual obligations of SBOT set forth in agreements for the provision of technology related maintenance, support or service agreements.

InterOrganizational Agreements- Contractual obligations of SBOT set forth in agreements with other Bar Related Entities for the provision of technology funding, equipment, software or services.

State of Texas Statutes- Changes to State of Texas statutes that drive programmatic changes for SBOT.

3.3 Projected Technology Requirements

This section is intended to outline the technology services that State Bar anticipates as requirements during the planning horizon. The services outlined here are not all-inclusive, but are intended as a guide to the department in planning for current and future needs. The three major categories outlined here are: Application Services, Communications Services, and Support Services. Each of these is described in detail in the sections that follow.

3.3.1 Application Services

Applications Services generically refers to the types of computer systems (i.e. “programs”) that will be either required or found beneficial in the execution of SBOT business functions. This includes Desktop , Workgroup, and Enterprise Applications. Each of these types or categories outlines systems used at a specific tier of the organization.

Desktop/Mobile Applications

Those application programs that are installed and run on the desktop workstation or personal computer are referred to on the whole as “desktop” applications. As endpoint devices have now expanded to include smartphones and tablet devices, this section is also inclusive of mobile device software. A need for each of the following type of desktop applications either currently exists or is anticipated to exist within the planning horizon:

Office Productivity Suite

This category of desktop application includes a business office suite of products that minimally consists of word processing, spreadsheet, database, and presentation software. These software tools are being anticipated for all SBOT offices for the generation of correspondence, tracking and presentation of financial or performance data, and for presentations of information both internally and to constituents.

Enterprise Access Software

Enterprise access tools include those software tools that are required to remote access or emulation to some larger system. This would include VPN services, remote access services, mobile synchronization tools and emulation software.

Enterprise Client Software

This category of desktop/mobile software encompasses those applications specifically developed for access to client/server architected systems. These are generally proprietary in nature and are developed specifically to provide access to a specific business system. As an example, the MCLE system and the CDC case management system require local client software to access data and procedures that reside on system servers.

Document Imaging Tools

Imaging tools are used for the organized capture and retrieval of image data. This can include photographs, documents, plats and other information that must be recorded in its original form. As SBOT migrates towards a more digital environment, imaging tools will be used in increasing levels to capture, store and access information that was previously filed and managed in hard copy.

Internet Software

This broad category of applications encompasses the suite of software tools related to Internet use such as: web browsers, audio players, video players, Java and Active-x plug-ins, ftp/sftp, newsgroup readers, and design tools to support development for these types of product environments. Many of these tools are also foundational for access from mobile computing devices. As consumer, commercial, and governmental use of Internet/mobile continues to expand, so will the need for these tools at SBOT. The largest area of focus for these tools will be in expanding the e-business/e-commerce activities of SBOT, as well as mobile enablement.

Operating Systems

Desktop computers and mobile devices require operating system and network software in order to function and communicate with the enterprise network. Obviously, these must be provided in order to support any other type of desktop/mobile application. These systems will continue to evolve in concert with the hardware platforms on which they run.

On the three-year horizon, SBOT will require the services of all the Desktop/Mobile Applications identified above. It is assumed that the SBOT Board of Directors will continue to support justified investment in the desktop applications required to conduct SBOT business and to improve employee productivity.

Workgroup Server Applications

Those application programs that are installed and run on workgroup file servers are referred to on the whole as “workgroup server” applications. These applications tend to provide an automated solution for a small department or workgroup that shares a common business function. A need for each of the following types of workgroup applications either currently exists or is anticipated to exist within the planning horizon:

Intranet Tools

This classification of tools is truly the same as those identified above under “Internet Tools”. The focus here, however, is on use of “Internet Technologies” to provide internal productivity benefits

to the organization. Departmental workgroups will use these types of tools with increasing frequency to provide enterprise-wide access to workgroup or project information within SBOT's own internal (intra) network.

Custom Server Applications

Custom server applications are those workgroup applications that are custom developed by departmental staff or third parties to meet a specific workgroup requirement. Examples of these might be systems developed or purchased for the purpose of tracking training hours, legislation, employee time, or project statistics.

On the three-year horizon, SBOT will require the services of all the Workgroup Server Applications identified above. It is assumed that the SBOT Board of Directors will continue to support justified investment in the workgroup applications required to conduct SBOT business and to improve employee productivity.

Enterprise Server Applications

Those application programs that are installed and run on mini, midrange, or mainframe class servers are referred to on the whole as "Enterprise Server" applications. These applications tend to provide automation support for a large department, a function that crosses several departments, or for a global function required by the entire enterprise. A need for each of the following types of workgroup applications either currently exists or is anticipated to exist within the planning horizon:

Email & Workflow Tools

Electronic mail and workflow tools will continue to play an essential role in inter- and intra-departmental communication, as well as in communication to businesses, governmental agencies, members, and the public. This type of workgroup application provides electronic mail, calendaring, scheduling and task directed routing to enhance employee productivity. These tools are being used with increasing frequency to replace paper correspondence and communications, and to ensure that tasks progress in an appropriate fashion towards completion.

Departmental Applications

SBOT will continue to have a need for departmentally based computer applications that primarily meet the needs of a single department. Examples of these would include the grievance, litigation, and compliance system located in the Chief Disciplinary Counsel's Office, as well as the Minimum Continuing Legal Education (MCLE) system located in the MCLE Office. These departmental systems are a key operational component to the business function of these offices. In the future, as automation expands in SBOT, other offices will wish to make operational improvements through automation, and may request similar departmental applications.

Functional Applications

The clearest example of a functional application for SBOT is the Membership system. This system, although serving primarily the operational needs of the membership department, does so by providing automation across multiple departments for a common function. The membership data is the core data store used by the entire organization. All functions rely on this information at some point or another. The automation status of the membership department is a key component to improving automation for the entire organization. Improvements here will surely provide the potential to vastly improve multiple operations through the organization.

Global Applications

Global applications address core business functions that are required by all departments within the enterprise. This would include financial, accounting, budgeting, payroll, and human resource applications. All departments, regardless of their function, need to interact with these systems to conduct business. In the future, it is likely that major automation efforts will need to continue to take place to expand the access to financial data, as well as to develop interfaces between these applications and other departmental and functional applications within SBOT.

On the three-year horizon, SBOT will require the services of all the Enterprise Server Applications identified above. It is assumed that the SBOT Board of Directors will continue to support justified investment in enterprise applications required to conduct SBOT business and to improve employee productivity and external access to data and business transactions.

3.3.2 Communications Services

Communications Services generically refers to the types electronic communication that will be either required or found beneficial in the execution of SBOT business functions. These include Voice, Data and Video services. Each type or category outlines a specific communication medium necessary for conducting SBOT business:

Voice Communication Services

Voice services encompasses the myriad of services associated with providing and supporting telephones, private branch exchanges (PBXs) as well as their interaction with Public Switched Telephone Networks (PSTNs).

Standard Telephony and VoIP Service

Standard telephone service, or “plain old telephone service” (POTS) as it is sometimes described, will continue to be a requirement at SBOT. Required provision of services will include direct dialing between SBOT telephones, as well as access to local dial tone for placing local telephone calls through the PSTN network (i.e. Southwestern Bell Telephone). VoIP or Voice over IP services will be utilized to avoid PSTN costs by transmitting State Bar calls over the Bar’s private IP network.

Voice Mail

Voice mail or voice messaging services are a standard service provided to SBOT employees. Most employees will require a voice mailbox and the ability to record, save, review, respond to and delete in-coming telephone messages while they are away from their extension.

Long Distance

In the course of doing business, access to a competitive long distance carrier will also be required. SBOT employees will require access to a long distance service that can provide telephone access to all of United States as well as to Canada, Mexico, and other international locations.

Toll-Free Service/Conference Bridging

SBOT will continue to require in-bound toll-free calling services to better support members, constituents, and the public. This service provides the capability for an individual outside of the local calling area to dial a “1-800” number to gain access to staff or services within various departments. Conferencing bridging services to support teleconference meetings will be needed to support the many volunteer and staff meetings of the bar.

Voice Response Systems/Automated Attendant/Automatic Call Direction (ACD)

This type of service provides a mechanism to access automated (computer-based) or pre-recorded (voice-based) information via the telephone. As process automation efforts continue within SBOT, it is anticipated that these types of systems will increase in order to reduce the amount of staff time spent responding to repetitive requests for static or easily accessible information. It will also continue to be used to improve the routing of constituent telephone calls to the appropriate SBOT staff and to capture information to improve customer service.

Cellular/Mobile Device Services

With the explosion of functionality for mobile devices, it is anticipated that many offices will continue expand their requirement for this type of service to improve communication with field staff that are regularly out of the office. Both voice and data sharing capability through integration with email, task, and calendaring systems are now a standard for the mobile environment, as well as data accessibility via mobile and tablet applications

On the three-year horizon, SBOT will require all of the voice communications services identified above. It is assumed that the SBOT Board of Directors will continue to support justified investment in the voice services required to conduct SBOT business and to improve employee productivity.

Data Communications Services

Data communications services are those services that are required to allow the various tiers of computer platforms to communicate and share data. These services have been dramatically expanded in SBOT in the past five years create a networking environment that is attempting to support the rapid development of new application and computing architectures.

LAN Services

Local Area Network or LAN services encompass those technologies required to allow workstations and servers to communicate in a local geographic area. This is area us typically limited to a particular campus or building, or office location. As this layer of communications services is integral to the operation of the automation systems implemented and being implemented in SBOT, it will continue to be a requirement for SBOT operations.

MAN Services

Metropolitan Area Network or MAN services encompass those technologies required to allow inter-communication between all the LANs in a metropolitan geographic area- Austin-Metro for example. The services that allow electronic communication between SBOT's Law Center and its remote offices are considered Metropolitan Area Network services. MAN services employed to achieve this internetworking include the Public Switched Telephone Network (or PSTN) services, TEXAN Network, and the State of Texas Capital Network (or CAPNET) and Metro Ethernet Services. SBOT will have a continued need to provide these services in order to support the interconnection of its various office locations.

WAN Services

Wide Area Network or WAN services encompass those technologies required to allow inter-communication to areas outside of a given metropolitan geographic area. This would include intercommunications between the central Texas offices located in Austin and the regional offices located in Dallas, Houston, and San Antonio.

Internet Services

This category of communications services describes those services necessary to provide a continuous connection between the Internet and the SBOT enterprise network. It includes the necessary communications support to allow access to the World Wide Web, electronic mail, domain name services and other Internet technologies that reside outside of the SBOT network. This includes the ability to support the visibility of SBOT provided services on the Internet.

Mobile Computing/Wireless Services

This area of communications involves those services that provide access to SBOT network resources from mobile computing devices. This includes remote access via VPN (virtual private network) connections from remote laptop or desktop computers, as well as remote terminal services such as CITRIX, 3G wireless access, WIFI access, and Mobile access enterprise services. These services are key to the provision of mobile and telecommuting services.

On the three-year horizon, SBOT will require all of the data communications services identified above. It is assumed that the SBOT Board of Directors will continue to support justified investment in the data communications services required to conduct SBOT business and to improve employee productivity.

Video/Broadband Communications Services

Video/Broadband communications services are those services that are required to allow the transmission and reception of video (television) or other broadband traffic throughout SBOT facilities and from SBOT to the general public and other governmental agencies.

CATV Subscriber Access

This category of service includes the provision of Cable Access TeleVision (CATV) at SBOT locations (when required). While the CATV provider makes initial drop connections, it is the responsibility of SBOT to provide the necessary services to distribute this service and other video services throughout its designated facilities.

Video Streaming/Broadcast Services

Through the TexasBarCLE department and their external vendor relationship, this continues to be a major aspect of the CLE curriculum offered by the State Bar for Professional Development Division. Live webcasts and video streaming have become an increasingly lucrative component of the CLE revenue structure, in some cases, out-stripping onsite classroom events. This trend is expected to continue for the foreseeable future. In addition, other departments now avail themselves of external video streaming services for the provision of training or outreach video.

On the three-year horizon, SBOT will require all of the video communications services identified above. It is assumed that the SBOT Board of Directors will continue to support justified investment in the communications services required to conduct SBOT business and to improve employee productivity.

3.3.3 Support Services

Support Services generically refers to the services that Information Technology staff will be required to provide (either directly or through contracted services) in order to maintain and implement automated information systems within SBOT. This includes Business System, IT Infrastructure & Operation, and Administrative Support services. Each type or category outlines a specific support requirement necessary for conducting SBOT business:

Business Systems

Business system support is provided by the programmer/analysts within the Information Technology Department. Services provided include business system maintenance, development and automation consultation for SBOT departments:

Business System Maintenance

This group of services entails on-going support for in-house developed and purchased application software packages at the client, workgroup and enterprise platform level. This includes routine database and table maintenance, development and evaluation of system modification requests, complex query development, advanced application training, application troubleshooting, and error recovery services.

Business System Development

This group of services entails system development (computer programming or packaged system acquisition) of new automated business systems to meet the business needs of customer departments. It includes programming and analysis services as well as development and evaluation of system specifications and requests for proposals.

Automation Consultation

This group of services entails providing automation and process evaluation services to customer departments in order to identify potential automated solutions and process improvements to support customer business functions.

IT Infrastructure & Operations

IT Infrastructure and Operations services provided includes a Helpdesk, Personal Computer support, Network Server Support, and Technology Training. These services are provided by IT Support Specialists and Network Administrators of the Information Technology department.

Helpdesk

The centralized Helpdesk provides telephone support to all SBOT departments in the use of information technology, as well as serving as the dispatch mechanism for providing troubleshooting and installation support for software, personal computers, workstations, networks, and telecommunications problems.

Personal Computers

This area encompasses the necessary staff and services to support configuration, installation, maintenance and repair of personal computer hardware and software (including software site license management).

Network Servers

This area encompasses the necessary staff and services to support configuration, installation, maintenance and repair of network/workgroup server hardware and software (includes software site license management). In addition, it includes server performance monitoring, capacity planning, and backup & recovery management.

Technology Training

Training services include the provision of classroom training for popular personal computer, Internet and server software, as well as the developing and publishing a monthly technology-oriented newsletter.

Computer Operations

This category of services includes providing system monitoring, production scheduling, system backup/recovery, output management, and tape management services to support the operation of SBOT's new and future enterprise servers.

Systems Management

These services include the provision of software/hardware upgrade and configuration management, performance monitoring and capacity planning, as well as system backup and recovery management for all of SBOT's current and future enterprise servers.

LAN/WAN Management

The services provided in this category include network design and management, development and maintenance of network standards, network address management, performance monitoring and capacity planning, backup and recovery management for network equipment, and maintenance and repair of network infrastructure equipment.

Cabling Infrastructure

These support services include cabling plant design and construction for current and future owned and leased facilities, development, implementation and maintenance of infrastructure standards, and overall cabling plant management.

Administrative Support

Administrative support provided by the office of Information Technology include Information Technology (I.T.) strategic planning, computer security management, I.T. disaster recovery planning and management, and contract & licensure management for I.T. hardware and software.

I.T. Strategic Planning

One of the charges of the Information Technology department is to develop and provide a framework for planning and implementing the automation requirements of SBOT.

I.T. Security /Incident Management

This category of support includes Internet security management, enterprise server security management, and the development and administration of I.T. security policies and plans approved by the SBOT Board of Directors.

I.T. Disaster Recovery Planning & Management

This category of support includes the development and administration of I.T. disaster recovery policies and plans approved by the SBOT Board of Directors.

I.T. Project Management

These support services encompass the provision of project management services for major automation projects at SBOT.

I.T. Contract Management

This area of services involves the management of I.T. related contracts required for the support, maintenance, and operation of I.T. assets. This includes hardware, software, telephony equipment, and their related maintenance services.

3.4 Projected Information Technology Trends

3.4.1 Computing Hardware, Software and Infrastructure

The following trends are expected over the planning horizon:

General

Available Computing Power Will Continue to Increase: Computing device platforms will continue to increase in speed, storage capacity, and networkability, as will the resource requirements of applications resident on these devices. More and more, as developers have been unconstrained by hardware resource limitations, their applications have expanded in function and ease of use to meet the demands of the marketplace. The desktop/mobile hardware and software markets continue cycling minimally on an annual basis- with newer, more feature rich revisions available with each iteration. SBOT should anticipate that this trend will continue for an extended period of time.

Consumer Driven IT: In the past few years, enterprise technologies have been greatly impacted by technologies rapidly developed, deployed and adopted in the consumer retail market space. The clearest example of this has been the growth in smartphones and tablet device use, and how this has driven not only BYOD in the enterprise, but also the rapid push to deliver mobile access to products, information, and commercial transactions.

Desktop/Mobile

Continued Mobile/Tablet Device Diversity: In the next few years, it is projected that no one individual vendor in the mobile hardware space will dominate the market. This will increase complexity for organizations such as SBOT in the management and security of its own devices, as well as in consideration for application designs to meet the needs of its members and the public. In North America, iOS and Android based devices will be prevalent for handsets and tablets.

Increasing Use of Tactical Devices: While tablets, smartphones, and wearable/pocketable devices are not expected to displace computer desktops or laptops, they will increasingly be used in the workplace for tactical purposes. It is projected that by 2016 knowledge workers will use from 3-5 different computing devices, spanning both the mobile and stationary device space, each with a form factor suited to the particular use.

Rise of Enterprise Mobile Platforms: Driven by continued diversity in the mobile device space and rising mobile delivery expectations, it is projected that enterprise mobile platforms will increase. These platforms will target businesses by attempting to remove design complexity, improve integration and management, protect businesses from mobile hardware “device wars”, and to improve mobile adoption. Characteristically, these platforms will be device aware and agnostic, social media enabled, cloud-based, and will support multiple communication channels. This is expected to force some current MDM, file share/sync, and security container providers out of the enterprise market space.

Cloud Services Integration: Implementation of client/server application architectures (both thin and thick client software) that are specifically designed to access a workgroup or enterprise “server” application continues to grow, with strong emphasis on thin or internet browser-based client deployments. With the advent of the Service Oriented Architectures (SOA) and web services, this emphasis is expected to continue.

Increased Emphasis on Multimedia Applications: With the advances in DVD and various Internet technologies, there has been an increasing emphasis on the use of multimedia (image, video, and sound) in desktop applications. Applications, which previously existed in a purely textual environment, are now enhanced to include a full variety of images, video and sound to convey the desired information. Technical breakthroughs in monitor/display manufacturing technology are also fueling larger and larger standards for screen widths/sizes, with an overall reduction in depth (eg. CRT vs LCD Flat Panel technology) As hardware and network bandwidth capacities continue to increase in capacity and decline in cost, use of multimedia at the desktop will continue to increase.

Desktop/Mobile Operating Systems: Microsoft Windows 7 still represents the core Microsoft desktop operating system kernel for most businesses- despite the release of Windows 8 and 8.1 in the home computing/retail environment. Only a small percentage of organizations have made a desktop migration to 8 due to perceived weaknesses in usability. SBOT will need to closely evaluate the costs and benefits (based on its current and future operating needs) in order to select the best time and avenue to migrate to Microsoft’s next major operating system release. With regard to Mobile OS’s, IOS from Apple and Google’s Android will dominate smartphones and tablet devices for the foreseeable future.

Workgroup Applications

The workgroup market also continues to grow. In this area, the following trends are expected over the planning horizon:

Increasing Resource Availability and Requirements: As in the arena of desktop hardware platforms, servers continue to increase in speed and capacity. More and more, workgroup software developers have been unbound by resource constraints on the hardware and have begun to demand more processing and storage capability at the workgroup server level. This includes increased reliability and fault tolerance as well as increased capacity for application service. SBOT should anticipate that this trend will continue for an extended period of time, and will need to make some strategic decisions regarding the implementation of file-service oriented and application-service oriented server environments.

Increasing Use of Internet Technologies: Internet technology implementations have perhaps the largest concentration at the workgroup level. The continued growth and popularity of the Internet

has fostered an increased desire to use this medium as means to provide information to consumers and the public. SBOT should anticipate that this trend will continue for an extended period of time and will foster an increased departmental desire to use this medium as a means to communicate and disseminate information to bar members and the public.

Increasing Emphasis on Workflow: With an increasing number of products supporting workflow and messaging, it is anticipated that the desire to electronically automate business process flows via workflow software will continue. This will require key interactions with electronic mail and workgroup software to enhance communication and process flow.

Increased Business Use of Collaborative Technologies: The explosive growth in the use of personal collaborative technologies such as instant messaging, YouTube, Facebook, LinkedIn, Instagram and Twitter have fueled new expectations in terms of providing “presence” and “status” information as it applies to personal and business activities. Over the planning horizon, more and more of these technologies will find their way into standard workgroup suites, and wide-use by employees and customers.

Unified Communications/Messaging: With the advent of more and more collaboration technologies, unified communications and messaging are becoming increasingly prevalent in workgroup computing. More and more, workgroups are becoming accustomed to accessing all forms of messaging- be they email, faxes, voice mail, or documents- within the context of their electronic mail client.

Operating & Systems Software: The primary shift in workgroup server operating systems has been from file-service oriented operating systems to an application-service orientation. Windows Server and various forms of Unix will continue to be the major operating systems. In addition, workgroup servers will provide SQL compliant relational databases with open database connectivity or access to web services and SOA in order to promote interaction with desktop, other workgroup, and enterprise server applications and data.

Enterprise Server Applications

The following trends are expected in the area of enterprise servers over the planning horizon:

Continued Migration to Client/Server, SOA, and SaaS Architectures: Over the next several years, enterprises will continue the migration away from monolithic mainframe-centric environments for enterprise applications based on client/server, SOA and SaaS architectures. Some of these environments provide richer graphical user interfaces, and a greater capability for rapid modification and integration across the various hardware platform tiers of an organization. Service Oriented Architectures and Software as a Service provide mechanisms to access services with reduced maintenance cost and overhead.

Open System Standards: The industry trend embracing open standards will continue over the planning horizon. Through increased standardization, systems will continue to improve in the area of interoperability across platforms. This includes the implementation of SQL and ODBC/JDBC compliant relational database management systems, continued interest in UNIX as an industry operating system, and the popularity of SOA and web services.

Object Oriented Application Development: Software development tools will continue to place emphasis on an object oriented development environment. The focus will continue to be on defining data entities, their interrelationship with one another, and the definition of business rules to act upon the data. Use of the component-object model approach will continue to allow the flexible distribution of applications at the most appropriate computing level and platform. Applications developed in this environment can be updated more rapidly to reflect changes in business function. .NET technologies from Microsoft have been key in this process, as well as the development of SOA and published web services for open connectivity on the internet.

3.4.2 Communications Services

Convergence of Voice/Video/Data Transmission: The trend towards transmission of multiple applications (voice, video, data) over high-speed broadband transmission mediums will continue. Use of cell transmission technologies such as SONET (Synchronous Optical Network) and ATM (Asynchronous Transfer Mode) to provide transmission services will decrease operational costs, support the migration to private networks, as well as providing increased manageability for the enterprise network. The deregulation of telecommunications markets has led to cable access providers entering the market for the provision of voice and data transmission services over hybrid fiber/coaxial networks. Wider availability of to the premise fiber and increasing implementations of WIFI and LTE cellular services will continue to foster competition and increase the availability of high-speed communications services. The current market is rife with vendors providing full suites of “bundled” services to both consumers and business in an effort expand market share. The proliferation of smartphones and tablets has contributed greatly to the growth in the number of available hotspot and wireless networks.

Desire for Increasing Bandwidth: With the increase in multimedia, mobility, and the ever-increasing size of application services at all platform tiers, there will be a consistent trend requiring the upgrade of network bandwidth to maintain performance. The increasing bandwidth that will be required to support the exponential growth of the Internet traffic alone has been a source of increasing concern for the public and private sectors. SBOT should anticipate that the growth trends in applications, platforms and the Internet will generate a substantial requirement to improve and increase enterprise network bandwidth in order to keep up with demand. The desire for increased bandwidth continues to drive network expansion and upgrade at the local, metropolitan and wide area networking level.

Increased Focus on Security, Intrusion Detection, Antivirus, and Protection: Due to the almost epidemic level of virus outbreaks, network intrusions, and identity thefts over the past two years, organizations will be strongly focused on improving the security of their network infrastructures. The explosive use of collaborative technologies, flash devices, smartphones, and other internet connected devices have led not only to a host of new exploits, but have opened up new risks on previously closed networking environments.

Increased Emphasis on Mobile Computing: Business and industry continue to embrace the use of mobile computing and telecommuting to defray facility cost, reduce overhead, and increase how “connected” employees are to the home office. Despite the fact that not all SBOT jobs are good candidates for telecommuting, it is anticipated that at some point SBOT will follow suit and develop a telecommuting program for these same reasons. In addition, portions of the SBOT

workforce continue to be increasingly mobile, and will require many of the same services and tools while working remotely as they have in the office.

Telephony/Computer Integration: There will also be continued efforts to integrate telephony and computer applications to automate access to electronic information. Over the planning horizon, SBOT can expect an increased demand for voice response and call center applications.

Wireless Communications: Premise wireless communications have grown in popularity via the development of WIFI technology and increasing availability of WIFI “hotspots” around the country. Consumer expectations are that wireless capability will continue to grow in order to provide the ability to connect to the public infrastructure anytime/anyplace. The industry continues to address security and other access issues related to providing wireless access from premise networks. It is anticipated that SBOT offices will be required to provide equivalent “hotspot” services for members, guests, and directors.

Video Conferencing/Distance Learning: As organizations continue to globalize operations, there will be increased focus on the provision of video related services to reduce travel costs and improve remote communications. This concept extends to educational institutions and medical facilities that will try to extend services to remote locations for home-based or distributed learning as well as medical diagnosis and consultation. Several of these technologies are already in use by the SBOT including Video-Conferencing and Distance Learning.

Section 4- Technical Planning Guidelines

4.1 Computing Platforms

4.1.1 Desktop/Mobile

Most employees now use computer workstations. These desktop workstations provide access to mission critical applications and information. Any other major initiatives will require a robust desktop workstation foundation on which to be implemented. These workstations must also support office automation software such as spreadsheets, word processing, electronic mail, presentation software, and other groupware products. The information that follows reflects the general guidelines and minimum standard hardware configurations for desktop workstations over the current planning horizon.

Technology Guidelines

- Limit the number of configuration permutations to enhance supportability.
- Select commercial products in accordance with the configurations reflected below.
- Select industry standard components/interfaces.
- Select configurations that allow for future expansion of memory or components over the usable life of the asset.
- Standardize upon the WinTel (Windows/Intel) platform.
- Monitor Processor Life-cycle to avoid chip obsolescence during asset life-cycle
- Utilize Tier-1 workstation providers to ensure availability of parts, supports, and maintenance.

The following table contains the minimum recommended desktop hardware configuration over the planning horizon:

FY 2014/2015	FY 2015/2016	FY2016/2017
➤ CORE i3 2120 Processor (3.3GHz, 3M)	➤ CORE i5/7 Processor (3.9-4.4GHz)	➤ CORE i7 Processor (4.4GHz)
➤ 4GB RAM DDR3	➤ 4GB RAM DDR3	➤ 4GB RAM DDR4
➤ 19" Flat Panel	➤ 19" Flat Panel	➤ 19" Flat Panel
➤ Integrated Video/Audio	➤ Integrated Video/Audio	➤ Integrated Video/Audio
➤ 250GB SATA HD	➤ 250GB SATA HD	➤ 250GB HD/SSD
➤ 8X DVD+/-RW	➤ 8X DVD+/-RW	➤ 8X DVD+/-RW
➤ Integrated 100 Eth NIC	➤ Integrated 100 Eth NIC	➤ Integrated 100 Eth NIC
➤ USB Mouse/Keyboard	➤ USB Mouse/Keyboard	➤ USB Mouse/Keyboard
➤ USB Support	➤ USB Support	➤ USB Support

Figure 4-Standard Desktop Hardware Configurations

The following table contains the minimum recommended Mobile Laptop Computer configuration over the planning horizon:

FY 2014/2015	FY 2015/20016	FY2016/2017
<ul style="list-style-type: none"> ➤ CORE i3 Processor (2+GHz, 3M) ➤ 4GB RAM DDR3 ➤ 19” Flat Panel ➤ Integrated Video/Audio ➤ 500GB 7.2rpm HD ➤ 8X DVD+/-RW ➤ Integrated 100 Eth NIC ➤ USB Mouse/Keyboard ➤ USB Support ➤ USB Mouse/Monitor ➤ Wireless / Btooth ➤ 100 Eth NIC 	<ul style="list-style-type: none"> ➤ CORE i5 Processor (3+GHz, 3M) ➤ 4GB RAM DDR3 ➤ 19” Flat Panel ➤ Integrated Video/Audio ➤ 500GB 7.2rpm HD ➤ 8X DVD+/-RW ➤ Integrated 100 Eth NIC ➤ USB Mouse/Keyboard ➤ USB Support ➤ USB Mouse/Monitor ➤ Wireless / Btooth ➤ 100 Eth NIC 	<ul style="list-style-type: none"> ➤ CORE i7 Processor (4+GHz, 3M) ➤ 4GB RAM DDR4 ➤ 19” Flat Panel ➤ Integrated Video/Audio ➤ 500GB 7.2rpm HD ➤ 8X DVD+/-RW ➤ Integrated 100 Eth NIC ➤ USB Mouse/Keyboard ➤ USB Support ➤ USB Mouse/Monitor ➤ Wireless / Btooth ➤ 100 Eth NIC

Figure 5.1-Standard Mobile Laptop Hardware Configurations

The following table contains the minimum recommended Mobile Tablet configuration over the planning horizon:

FY 2014/2015	FY 2015/20016	FY2016/2017
<ul style="list-style-type: none"> ➤ Apple iPad Retina IOS ➤ A6X Chip ➤ 16GB-32GB ➤ Quad Core Graphics ➤ WF+ LTE Cell ===== ➤ Samsung Galaxy Note Pro Android OS ➤ Quadcore 2+GHZ ➤ 32GB ➤ WF +LTE Cell 	<ul style="list-style-type: none"> ➤ Apple iPad Retina IOS ➤ A6X Chip ➤ 16GB-32GB ➤ Quad Core Graphics ➤ WF+ LTE Cell ===== ➤ Samsung Galaxy Note Pro Android OS ➤ Quadcore 2+GHZ ➤ 32GB ➤ WF +LTE Cell 	<ul style="list-style-type: none"> ➤ Apple iPad Retina IOS ➤ A6X Chip ➤ 32GB ➤ Quad Core Graphics ➤ WF+ LTE Cell ===== ➤ Samsung Galaxy Note Pro Android OS ➤ Quadcore 3+GHZ ➤ 32GB ➤ WF +LTE Cell

Figure 6.2-Standard Tablet Hardware Configurations

The following table contains the minimum recommended Smartphone over the planning horizon:

FY 2014/2015	FY 2015/20016	FY2016/2017
<ul style="list-style-type: none"> ➤ IOS: Apple: iPhone 4/5/6 ===== ➤ Blackberry: Z10/Q10 ===== ➤ Android: Samsung Galaxy 4 	<ul style="list-style-type: none"> ➤ Apple: iPhone 5/6 IOS ===== ➤ Blackberry: Z10/Q10/Classic ===== ➤ Android: Samsung Galaxy 5 	<ul style="list-style-type: none"> ➤ IOS: Apple iPhone v.x IOS ===== ➤ Android: Samsung Galaxy v.x

Figure 7.3-Standard Smartphone Hardware Configurations

4.1.2 Workgroup/Enterprise

Most employees also access enterprise servers on a daily basis to perform global automated tasks. This includes access to enterprise applications such as accounting and membership. The information that follows reflects the general guidelines and minimum standard hardware configurations for enterprise server hardware over the current planning horizon.

Technology Guidelines

- Limit the number of configuration permutations to enhance supportability.
- Select commercial products in accordance with the configurations reflected below.
- Select industry standard components/interfaces.
- Select configurations that allow for future expansion of memory or components over the usable life of the asset.
- Standardize upon the Wintel based platforms (Intel and MS NT)
- Standardize upon MS SQL as DBMS engine for enterprise servers.
- Standardize upon VMware virtualization for virtual server/cluster support
- Utilize Tier-1 server providers (eg. Dell, HP) to ensure availability of parts, supports, and maintenance.
- Select standard technologies to optimize server hardware utilization and ease deployment and configuration issues while reducing cost (eg virtualization technologies).
- Select standard storage technologies to optimize hardware utilization, improve recoverability, and shorten backup cycles.

The following table contains the minimum recommended enterprise server hardware configuration over the planning horizon:

FY 2014/2015	FY 2015/2016	FY2016/2017
➤ VMware ESX 3 server cluster	➤ VMware ESX 3 server cluster	➤ VMware ESX 3 server cluster
➤ Intel 6 Core Xeon	➤ Intel 8 Core Xeon	➤ Intel 8 Core Xeon
➤ 128 GB RAM	➤ 128 GB RAM	➤ 128 GB RAM
➤ 292GB SATA HD	➤ 292GB SATA HD	➤ 292GB SATA HD
➤ RAID 1	➤ RAID 1	➤ RAID 1
➤ DVDROM	➤ DVDROM	➤ DVDROM
➤ DRAC	➤ DRAC	➤ DRAC
➤ Dual 100mb/1gb Ethernet NIC	➤ Dual 100mb/1gb Ethernet NIC	➤ Dual 100mb/1gb Ethernet NIC
➤ 20+ TB SAN Attach	➤ 20+ TB SAN Attach	➤ 25+ TB SAN Attach
➤ Redundant Power	➤ Redundant Power	➤ Redundant Power
➤ Virtualization Support	➤ Virtualization Support	➤ Virtualization Support

Figure 8- Standard Enterprise Server Hardware Configuration

4.2 Network and Communications Technologies

A key component of the enterprise computing environment is the networking infrastructure. The following sections provide the technical guidelines that will be used for network implementations in the Local, Metropolitan, and Wide area networks of the State Bar of Texas.

Technology Guidelines

- Adopt a limited set of physical LAN standards for equipment and interfaces to facilitate improved support and reduce troubleshooting complexity.
- Adopt a limited set of network protocols to enhance computer system interoperability.
- Design a modular and flexible network infrastructure with sufficient capacity to support enterprise applications and sufficient flexibility to accommodate routine facility/staff adjustments.
- Utilize routed connections to limit broadcast traffic and provide path redundancy where necessary.
- Select industry standard components/interfaces.
- Utilize Tier-1 equipment providers (eg. Cisco) to ensure availability of parts, support, and maintenance.
- Standardize on Tier-1 equipment providers for voice communications (Siemens, Avaya, etc).
- Select and implement voice communications system which support both digital and VOIP technologies.
- Standardize on Tier-1 equipment providers for video communications (Polycom, Livescan, Tanberg).
- Select and implement videoconferencing technologies that adhere to current standards for digital transmission and bridging capability to facilitate inter-operation with external systems.

4.2.1 Local Area

The local area network is utilized to connect staff to local computing resources such as workgroup and enterprise servers. This environment must support sufficient flexibility and bandwidth to adequately support all of these interactions. The following standards are applicable to the Local Area:

STANDARD DISCRIPTION	STANDARD
Logical Topology	Bus (IEEE 802.x Ethernet)
Physical Topology	Collapsed Star Configuration
Wireless Network Topology (guest net)	Wireless a,b,g (IEE 802.11 abg)
Transmission Protocols Supported	TCP/IP
Horizontal Cabling Infrastructure	Category 6/7 Unshielded Twisted Pair (UTP)
Vertical Cabling Infrastructure	50 Micron Multimode Fiber
Cabling Installation Standards	TIA/EIA 568/569 Compliance; SBOT Standards
Desktop Transmission Speed	100mb/sec (100baseT Ethernet)
Backbone Transmission Speed	1gb/sec (100baseT-Gigabit Ethernet)
Server Segment Transmission Speed	1gb sec (100baseT-Gigabit Ethernet)
Naming/Address Resolution	DNS/DHCP
Routing/Switching Equipment	Tier-1 Provider Layer 2/3 switching products

Figure 9-LAN Standards

4.2.2 Metropolitan/Wide Area

The metropolitan area network is utilized to connect local area networks in metropolitan satellite offices and service providers to the computing resources located at the main Austin Law Center facility. The wide area supports interconnection of regional office local and metro area networks to the enterprise network. This environment must support sufficient flexibility and bandwidth to adequately support all network transmission to the main SBOT network, as well as all other points on the enterprise network. The following guidelines apply to the metro and wide area networks:

STANDARD DISCRIPTION	STANDARD
Transmission Equipment	PSTN provided Optical/Fiber
Network Protocols Supported	TCP/IP
Cabling Installation Standards	TIA/EIA 568/569 Compliance; SBOT Standards
Transmission Speed (CIR)	10mb/sec (managed Ethernet)
Naming/Address Resolution	DNS/DHCP
Routing/Switching Equipment	Tier-1 Provider Layer 2/3 switching products

Figure 10-MAN/WAN Standards

4.2.3 Voice Communications

The State Bar has standardized on Siemens HiPath private branch exchange (PBX) equipment which supports both traditional digital signaling and Voice over IP (VOIP):

STANDARD DISCRIPTION	STANDARD
PBX Equipment	HiPath 35xx Series, HiPath 4000 Series
Transmission	Traditional Digital / VOIP
Network Protocols Supported	TCP/IP (for voip) / SIP
Cabling Installation Standards	TIA/EIA 568/569 Compliance; SBOT Standards

Figure 11-PBX Standards

4.2.4 Video Communications

The State Bar has standardized on Polycom video conferencing equipment which supports both traditional ISDN signaling and TCP/IP network communications:

STANDARD DISCRIPTION	STANDARD
Video Conference Equipment	Polycom
Transmission	Traditional ISDN Digital / TCP/IP
Network Protocols Supported	TCP/IP h 232
Cabling Installation Standards	TIA/EIA 568/569 Compliance; SBOT Standards

Figure 12-VideoConference Standards

4.3 Business Systems

4.3.1 Desktop

Most employees utilize desktop software to complete daily work tasks. This includes word processing for correspondence, spreadsheets for developing financial information and presentation software for formal presentations. Others utilize desktop database management software (DBMS) to track and report relevant information. The information that follows reflects the general guidelines and standard software products for desktop environment over the current planning horizon.

Technology Guidelines

- Limit the number of desktop productivity suites to a single working set of products that are highly integrated and promote easy exchange of information.
- Select commercial products in accordance with the configurations reflected below.
- Select industry standard, component/object oriented software architectures to promote integration with other desktop, workgroup and enterprise applications.
- Select products that provide clear upgrade paths with minimal conversion.
- Standardize upon products that are natively supported on WinTel platforms and also provide support for the Apple graphics workstation environment.
- Standardize upon products for which worker skills are generally available in the marketplace.
- Utilize Tier-1 software providers (eg. Microsoft, Symantec) to ensure availability of updates, support, and maintenance.

The following table contains the standard desktop products to be utilized over the planning horizon:

Standard Product Category	FY 2014/15	FY 2015/16	FY 2016/17
Standard Office Productivity Suite	MS Office 2010	MS Office 2013	MS Office 2013
-Word Processing	MS Word	MS Word	MS Word
-Spreadsheet	MS Excel	MS Excel	MS Excel
-Database	MS Access	MS Access	MS Access
-Presentation	MS Powerpoint	MS Powerpoint	MS Powerpoint
-Project Management	MS Project	MS Project	MS Project
Internet Browser	MS Internet Explorer 11	MS Internet Explorer 12	MS Internet Explorer V.x
HTML Composition/Editing	CS6/ Creative Cloud	Adobe Creative Cloud	Adobe Creative Cloud
Document Publishing	Adobe Acrobat	Adobe Acrobat	Adobe Acrobat
Operating System	Windows 7	Windows 7	Windows 7/V.x

Figure 13-Standard Desktop Software Products

4.3.2 Workgroup

Most employees also utilize workgroup software to complete daily work tasks. This includes database management software for departmental applications, electronic mail/calendaring software for communication, web servers to support intranets and backup and virus protection software to ensure data and system integrity. The information that follows reflects the general

guidelines and standard software products for desktop environment over the current planning horizon.

Technology Guidelines

- Limit the number of workgroup products to a working set of products that are highly integrated and promote easy exchange of information.
- Select commercial products in accordance with the configurations reflected below.
- Select industry standard, component/object oriented software architectures to promote integration with other desktop, workgroup and enterprise applications.
- Select products that provide clear upgrade paths with minimal conversion.
- Standardize upon products that are natively supported on WinTel platforms and also provide support for the Apple graphics workstation environment.
- Standardize upon products for which worker skills are generally available in the marketplace.
- Utilize Tier-1 software providers (eg. Microsoft, Symantec) to ensure availability of updates, support, and maintenance.

Standard Product Category	FY 2014/15	FY 2015/16	FY 2016/17
Backup Software	Comvault DL2000	Comvault DL2000	Comvault DL2000
Virus Protection Software	Forefront/Malwarebytes	Forefront/Malwarebytes	Forefront/Malwarebytes
Database Mgt. Software (DBMS)	MS SQL 2005/2008	MS SQL 2005	MS SQL 2005/V.x
Application Server O/S	MS Server 2003	MS Server 2003/2008	MS Server 2008/V.x
Administrative Server O/S	MS Server 2003	MS Server 2003/2008	MS Server 2008/V.x
Electronic Mail/Calendaring	Outlook/Exchange 2010	Outlook Exchange 2013	Outlook Exchange 2013
Imaging/Workflow	Imagetag/ -TBD	Imagetag	Imagetag
WEB Server Suite	MS IIS / Cold Fusion	MS IIS / CF/Asp.net	MS IIS/ ASP.net
Adhoc Reporting Software	Crystal Reports/SQL Reporting Svcs	Crystal Reports/ SQL Reporting Svcs	SQL Reporting Svcs

Figure 14-Standard Workgroup Software Products

4.3.3 Enterprise

Enterprise products span the entire organization. This includes database management software to support enterprise applications; global function applications such as accounting, payroll, and human resources software; application development suites for custom development; web servers to support internet and e-commerce services; and backup software to ensure data and system integrity. The information that follows reflects the general guidelines and standard software products for enterprise environment over the current planning horizon.

Technology Guidelines

- Evaluate Commercial-off-the-shelf (COTS) products prior to undertaking custom development.
- Limit the enterprise development suites to a single working set of development and database management products that are based on open standards, highly integrated and promote easy exchange of information with all application tiers.
- Select commercial products in accordance with the configurations reflected below.
- Select industry standard, component/object oriented software architectures to promote integration with other desktop, workgroup and enterprise applications.
- Select products that provide clear upgrade paths with minimal conversion.

- Standardize upon products that are natively supported on WinTel platforms.
- Standardize upon products for which worker skills are generally available in the marketplace.
- Utilize Tier-1 software providers (eg. Microsoft) to ensure availability of updates, support, and maintenance.

The following table contains the standard enterprise products to be utilized over the planning horizon:

Standard Product Category	FY 2014/15	FY 2015/16	FY 2016/17
<i>Virtualization</i>	VMware	VMware	VMware
<i>Backup Software</i>	Comvault DL2000	Comvault DL2000	Comvault DL2000
<i>Virus Protection Software</i>	Forefront/Malwarebytes	Forefront/Malwarebytes	Forefront/Malwarebytes
<i>Database Mgt. Software (DBMS)</i>	MS SQL 2005/2008	MS SQL 2005/2008	MS SQL 2008/V.x
<i>Enterprise Server O/S</i>	MS Server 2005	MS Server 2005/2008	MS Server 2008/V.x
<i>Application Development</i>	MS Server 2005	MS Server 2005/2008	MS Server 2008/V.x
<i>Development Suite</i>	Outlook/Exchange 2010	Outlook Exchange 2013	Outlook Exchange 2013
<i>WEB Server Suite</i>	Imagetag/Kwiktag	Imagetag	Imagetag
<i>Adhoc Reporting Software</i>	MS IIS / Cold Fusion	MS IIS / CF/Asp.net	MS IIS/ ASP.net

Figure 15-Standard Enterprise Software Products

4.3.4 Standard Product Matrix

The standard product matrix is intended as a guide to the purchase and selection of the standard technology products for the Bar. The following table reflects hardware and software products grouped by computing tier (desktop, workgroup, and enterprise). In order to maintain consistency throughout the bar, departments and divisions should select products contained within the matrix or consult with Information Technology for products or product categories that are not contained herein. The matrix will be updated minimally on an annual basis to include any new categories of products, or to add or update products. The Information Technology Department will support these standard products.

Standard Product Category		FY 2014/15	FY 2015/16	FY 2016/17	
D E S K T O P	Personal Computer	Dell/HP (Tier 1)	Dell/HP (Tier 1)	Dell/HP (Tier 1)	
	Laptop Computer	Dell/HP (Tier 1)	Dell/HP (Tier 1)	Dell/HP (Tier 1)	
	Printer	HP/Dell/Lexmark (Tier 1)	HP/Dell/Lexmark (Tier 1)	HP/Dell/Lexmark (Tier 1)	
	Standard Office Productivity Suite	Microsoft Office 2010/13	Microsoft Office 2013	MS Office V.x	
	-Word Processing	MS Word	MS Word	MS Word	
	-Spreadsheet	MS Excel	MS Excel	MS Excel	
	-Database	MS Access	MS Access	MS Access	
	-Presentation	MS Power Point	MS Power Point	MS Power Point	
	-Project Management	MS Project	MS Project	MS Project	
	Internet Browser	MS Internet Explorer	MS Internet Explorer	MS Internet Explorer	
	HTML Composition/Editing	ADOBE Creative Cloud	ADOBE Creative Cloud	ADOBE Creative Cloud	
	Web Document Publishing	Adobe Acrobat	Adobe Acrobat	Adobe Acrobat	
	Operating System	MS Windows 7	MS Windows 7	Windows V.x	
	W O R K G R O U P	Application Server	Dell/HP (Tier 1)	Dell/HP (Tier 1)	Dell/HP (Tier 1)
Shared Laser Printer		HP/Dell/Lexmark (Tier 1)	HP/Dell/Lexmark (Tier 1)	HP/Dell/Lexmark (Tier 1)	
Uninterruptible Power Supply		APC	APC	APC	
Backup Storage		Comvault SAN	Comvault SAN	Comvault SAN	
Backup Software		Comvault	Comvault	Comvault	
Virus Protection Software		ForeFront/Malware Bytes	ForeFront/Malware Bytes	ForeFront/Malware Bytes	
Database Mgt. Software (DBMS)		MS SQL 2000/2005	MS SQL 2005	MS SQL 2005/ V.x	
Application Server O/S		MS server 2003/2008	MS Server 2008	MS Server V.x	
Administrative Server O/S		MS server 2003/2008	MS Server 2008	MS Server V.x	
Electronic Mail		Outlook / Exchange 2010/13	Outlook / Exchange 2013	Outlook / Exchange V.x	
Imaging/Workflow		Kwiktag /TBD	Kwiktag /TBD	TBD	
E N T E R P R I S E		Enterprise Server	Dell/HP (Tier 1)	Dell/HP (Tier 1)	Dell/HP (Tier 1)
		High Speed Printing	HP/Dell/Lexmark (Tier 1)	HP/Dell/Lexmark (Tier 1)	HP/Dell/Lexmark (Tier 1)
		Backup Storage	Comvault SAN/DLT	Comvault SAN/DLT	Comvault SAN/DLT
	Backup Software	Comvault	Comvault	Comvault	
	Database Mgt. Software (DBMS)	MS SQL 2000/2005	MS SQL 2005	MS SQL 2005/ V.x	
	Enterprise Server O/S	MS server 2003/2008	MS Server 2008	MS Server V.x	
	Network Routing Equipment	Dell/Cisco (Tier 1)	Dell/Cisco (Tier 1)	Dell/Cisco (Tier 1)	
	Network Concentrator Equipment	Dell/Cisco (Tier 1)	Dell/Cisco (Tier 1)	Dell/Cisco (Tier 1)	
	Application Development	MS Visual Studio	MS Visual Studio	MS Visual Studio	
	Web Development Suite	CF Studio / Various	CF Studio / Various	CF Studio / Various	
	WEB Server Suite	MS IIS / Cold Fusion /asp.net	MS IIS / Cold Fusion /asp.net	MS IIS / Cold Fusion /asp.net	
	Adhoc Reporting Software	Crystal Reports/SRS	Crystal Reports/SRS	SRS	
	M O B I L E	Tablet	iPad/Note/Surface (Tier 1)	iPad/Note/Surface (Tier 1)	iPad/Note/Surface (Tier 1)
		Mobile Device	iPhone/Bberry/Samsung (tier 1)	iPhone/Samsung (tier 1)	iPhone/Samsung (tier 1)
MDM Platform		BlackBerry Fusion/Airwatch	Airwatch	Airwatch	
Standard Office Productivity Suite		Microsoft Office 2010/13	Microsoft Office 2013	MS Office V.x	
-Word Processing		MS Word	MS Word	MS Word	
-Spreadsheet		MS Excel	MS Excel	MS Excel	
-Database		MS Access	MS Access	MS Access	
-Presentation		MS Power Point	MS Power Point	MS Power Point	
-Project Management		MS Project	MS Project	MS Project	
Internet Browser		Device Centric	Device Centric	Device Centric	
Operating System		iOS / Android / Windows	iOS / Android / Windows	iOS / Android / Windows	

Figure 16-Standard Product Matrix

4.4 IT Security

Standard security principles and practices are key in the safeguarding of information for the organization. The following are some standard guidelines for the implementation of information security for the State Bar of Texas:

- SBOT should comply with all legal and regulatory obligations for the safeguarding of the information for which it is responsible.
- Sensitive data should be protected from inadvertent or wrongful disclosure or tampering.
- Electronic access should be authenticated in such a way as to prevent electronic eavesdropping, replay or impersonation.
- Mechanisms should be used that ensure that access to systems containing sensitive information is limited to only authorized users.
- Appropriate physical security mechanisms should be provided for computer systems in order to deter unauthorized access.
- Levels of established security should match the degree of risk represented by unauthorized access or tampering.
- Security mechanisms should not unduly impede the data to day operations of SBOT.
- It is the responsibility of any employee of SBOT to report any known or suspected breach of data confidentiality or electronic tampering to the CIO of the organization or the appropriate managerial authority.
- SBOT must ensure that only authorized users have access to systems and can only perform those functions for which they are authorized.
- Security access to all systems must include logon and password security sufficient to uniquely identify each individual.
- Systems implemented should provide the ability monitor or log security events and accesses.
- Network access standards should be based upon industry-standard protocols.
- Network resources should be protected by managing, monitoring and limiting access points to the network through utilization of secured gateways and firewalls.
- Adequate measures should be taken to back up critical computing resources in order to provide recovery of systems or data within 72 hours following losses related to security or disaster.

Section 5- Operational Planning Guidelines

5.1 Business Case Development

Technology initiatives with an estimated cost of \$30,000 or more will require the development of a formal business case. The business case justification will be developed in a standard organizational format and must include the following components:

- **Business Requirements:** A description of the business problems, needs, or goals that are driving the technology initiative. This should include establishing how these needs relate to the strategic goals of the State Bar of Texas, a clear definition of the initiative's primary and secondary goals, key stakeholders/customers, and identification of any associated business risks.
- **Vision of Solution:** A complete description of how this initiative will meet the business requirements identified. This should include a vision statement for the initiative, a list of major features or enhancements envisioned, and a full description of any operational, financial, legal or technical assumptions/dependencies on which the desired solution is based.
- **Scope of the Initiative:** A complete description of the short and long-term scope of the technology initiative. This should include the specific features or needs that will initially be delivered or addressed versus those that will be provided later or in a subsequent initiative. This should also include any features or needs that key stakeholders may anticipate or expect, but that will not be addressed by the initiative. Lastly, this section should identify the key priorities among the initiative's requirements, schedule and budget.
- **Cost/Benefit Analysis:** A description of the key cost and/or revenue parameters of the initiative versus the resulting benefits of implementation. This should include base estimates of all costs (one-time and on-going operating) and other resources anticipated for the initiative, identification of potential revenue streams the initiative will generate, and the basis on which these financial projections were developed. These should be compared and contrasted against the tangible/intangible benefits that will be achieved and identify key customer groups or stakeholders that will benefit.
- **Performance Criteria:** A complete description of how the success of the initiative will be defined and measured. This should include measurable criteria for assessing to whether or not the identified business goals and objectives of the initiative have been met.

It is on the basis of this business case and its relation to other business cases that the Executive Management Team and the Board's Technology Oversight Committee will evaluate the proposed initiative.

5.2 Infrastructure Projects

The Technology Oversight Committee will have authority to review, approve, and authorize routine infrastructure expenditures throughout the course of the fiscal year related to desktop, server, and network hardware & software. This includes, but is not limited to capital leases for replacement of computers, printers, and other hardware, as well as networking hardware and software.

5.3 Major Technology Project Review & Approval Process

Each proposed technology initiative with an estimated cost of \$30,000 or more will go through a three-step review process.

(1) Department/Division Review: The fully developed business case must be reviewed and endorsed by both the Department Director and the Division Director of the appropriate State Bar of Texas department and division. In most situations, this endorsement or approval will merely be a formal endorsement of the project.

(2) Executive Review: Once endorsed at the divisional level, the appropriate division director will present the business case to an executive management team. This team will review the project for legal, financial, and operational issues, as well as any global or strategic information sharing issues or opportunities. The intent of this review is to ensure that the project is reviewed from a global perspective, and to ensure that it does not duplicate or conflict with other strategic or financial initiatives.

(3) Technology Oversight Committee Approval: The proposed projects will be presented to the Board's Technology Oversight Committee for consideration and approval. The Technology Committee will establish respective project budget limits and/or make additional funding requests/recommendations to the Board of Directors if necessary. The committee will make regular reports to the Board on technology progress.

5.4 Presidential/Board Initiatives, Minor Technology Projects

Each proposed technology project with an estimated cost of less than \$30,000 will go through the first two steps of the process as identified above, but will not necessarily require the development of a formal written business case. Presidential/Board technology initiatives instigated by the board of directors via the budget process will follow similar process. These initiatives, as well as minor projects will still be reported to and monitored by the Technology Oversight Committee.

5.5 Technology Reporting

The Technology Oversight Committee will regularly report to the Board of Directors on the status of technology initiatives. This includes updates on progress, as well as recommendations for contracting and future funding.

Section 6- Financial Planning Guidelines

6.1 Technology Fund

A priority of the leadership and staff of the State Bar of Texas is to further develop technological resources in order to better meet the needs of members, enhance service to the public, and increase the productivity of staff. No organization can compete in the service sector without a major commitment to technology.

6.1.1 Purpose

As discussed previously, the technology goals of the State Bar are focused on six major areas: (1) Infrastructure improvement; (2) Data integration/system improvement; (3) Migration towards a paperless office environment; (4) Leveraging E-Business opportunities; (5) Leveraging E-Commerce opportunities; and (6) Technology Education. All of these goals are intended to provide greater access to information; improved management and flow of data and increased productivity.

To provide for the desired advances in technology, the FY 2001 budget included the establishment of a permanent Technology Fund and mechanism for underwriting technology-related purchases. This fund is integral to the business technology planning process and is designed to accomplish the following objectives:

- Provide a consistent and timely basis for funding and authorization of technology expenditures.
- Level-out historic fluctuations in technology expenditures from the operating budget
- Isolate capital expenses related to technology in order to provide better reporting and full cost pictures.
- Establish a more clear-cut process for technology-related expenditures that includes Board committee and staff review of major technology projects before expenditures are authorized.

Expenditures from this fund are authorized by the Technology Oversight Committee based upon the goals and objectives of the State Bar of Texas Business Technology Plan.

6.1.2 Fund Uses

The following are examples of the types of investments that would be utilize the Technology Fund as a resource:

- Annual/biannual capital purchases/leases targeting maintenance/improvement of the enterprise computing infrastructure.
- Capital purchases for the development or acquisition of new or replacement computer applications or systems.
- Capital purchases for the development or acquisition of enhancements for computer applications or systems.
- Contracted services for technology project services such as IT consulting, design, or development work.
- Enterprise Software licensing or Major SaaS offerings
- Software/Hardware Maintenance contracts in the initial terms of capital acquisition.

The following are examples of the types of investments that would NOT utilize the Technology Fund as a resource:

- On-going operating costs such as personnel and routine technology supplies.
- On-going telecommunication/ISP contracts.

6.1.3 Fund Structure

The Technology Fund was established as an independent accounting fund in the State Bar of Texas budget. The initial seed money for the fund was provided by sources and in an amount identified by the Board of Directors.

The fund is maintained by annual contributions from the State Bar of Texas budget in increments to be determined by the Board of Directors during the annual budget process. The intent is to balance Technology Fund expenditures against the annual contributions in order to maintain a sufficient fund balance to sustain ongoing technology investments for the organization.

The establishment of this funding structure is intended to provide a solid foundation for technology capital investment and to foster a long-range focus for technology planning. Key to this new long-range planning focus was establishing standards for the capitalization of technology assets over the useful life of the asset.

6.2 Capitalization of Information Technology Assets

One of the key concepts of the technology plan is the classification of Information Technology assets based upon their useful life. This classification will be used as the basis for determining when it is appropriate for routine replacement of an IT asset. It is also the key to ensuring that valuable assets are not replaced prior to the completion of their useful life to the organization.

6.2.1 One to Two Year Assets

While technically not capital assets, it is important to identify that the following information technology items have a normal useful life of 1-2 years:

- Desktop Office Suite Software
- Server, Network & O/S Software
- Electronic Mail Software

These software items fall in to the 1-2 year category due to the normal release cycle of desktop and workgroup software. Vendors generally provide new full version releases on a one to two year cycle. Interim releases of maintenance updates and patches subsidize these full version releases. Due to the rapid release of these commercial-off-the-shelf products, SBOT will attempt to acquire annual fee software maintenance contracts which provide annual support, patches, and free version releases whenever possible.

6.2.2 Three to Five Year Assets

Most common information technology assets fall into the 3-5 year category. This includes the following items:

- Desktop Computers/Operating Systems
- Desktop Printer Hardware
- Workgroup/Enterprise Server Hardware
- Network Infrastructure Hardware

Due to the rapid advancement, development and market release of central processor and memory chips, three years is a middle-ground approach for replacement of desktop computers. This is supported by the fact that most capital leases for this type of equipment are generally limited to three years. Within a three-year period, enough enhancements have occurred in the software and hardware marketplace to strongly impact the usefulness of these assets. The same can also be said for printer, server, and network infrastructure equipment that are similarly impacted by the release of new software and component hardware. In some circumstances, it is possible to extend the life of some of these assets up to five years- depending upon the purpose for which the asset is used. For planning purposes within this document, these items will be programmed for a 3-year capitalization and replacement cycle.

6.2.3 Five to Ten Year Assets

The following items should be classified as assets with a useful life of 5-10 years:

- Enterprise Application Software- 5 Years
- Cabling Infrastructure- 10 Years

The escalating pace at which business is changing makes selection and development of flexible enterprise applications a critical undertaking. While many commercial organizations attempt to achieve payback on new systems within a two-year period, most take up to five years to pay for themselves. For this reason, and the fact that most governmental/non-profits do not have the same profit potential as commercial enterprises, these assets are typically viewed as five-year investments. Cabling infrastructure, on the other hand, is akin to facility improvements that can be capitalized over periods up to ten years. A properly installed structured cabling plant can last ten years or more without major redesign, depending upon the rate of facility modifications and technological advancements.

6.3 Funding Strategies

Technology Fund

As described in preceding sections, the technology fund is the major funding resource for technology projects. This fund is maintained via regular contributions from the General Fund.

Infrastructure Costs and Capital Leasing Strategy

As an alternative to purchasing all capital technology assets, capital leasing has been employed for major technology assets including: desktop computers and server equipment. The typical term for these leases is three to five years with disposition options that include fair market value purchase of the asset or return of the asset to the lessor. In the case of an organization such as the Bar, the following benefits exist:

- Leasing makes cash outflows for IT investment more predictable and consistent.
- Leasing can provide a means to outsource asset tagging and system preparation
- Leasing includes onsite maintenance options reducing needs for spare parts and system storage.

- Leasing provides the organization an easy means to dispose of computing assets- especially those that pose special environmental requirements.

Like a great many of Texas State agencies, the State Bar has made a strategic decision to lease major IT assets to ensure periodic refreshing of its technology infrastructure, provide ongoing maintenance support, and to aide in asset disposition at the end of useful life.

Alternative Revenue Sources

Given the high cost of information technology assets and services, the substantial investment required to maintain an adequate infrastructure, the Bar will also consider use of the following alternative revenue sources in order to sustain the organization's commitment to technology investment:

- **IT Project/Program Generated Revenue**-Utilize revenue generated by SBOT programs or projects to reinvest in those programs by funding related technology initiatives.
- **Web Advertisement Revenue**-Utilize revenue that is generated from advertising on the SBOT online properties to increase the technology fund and thereby reapply technology-generated revenue to the acquisition of new technology.
- **Online Services Revenue**- Utilize revenue that is generated from online "for fee" services to increase the technology fund and thereby reapply technology-generated revenue to the acquisition of new technology. This would include revenues generated by such services as online classified advertisement, online member bios, or the like.
- **Special Funds**- Utilize funding from Special Funds within the State Bar budget to fund technology initiatives for those organizations. This would include such specially funded programs as TBLS, TEAJF, TYLA, and Books & Systems.

Any and/or all of these represent viable methods for technology investment to sustain itself over the long term.

Section 7- Technology Plan Implementation

7.1 Three Year Implementation Summary

The goals in the following sections represent an estimated implementation roadmap over the three-year planning horizon. An overall summary is as follows:

7.1.1 FY 2014 / 2015

The primary investment focus for FY 2015 will touch on all Strategic Focus Areas. This includes infrastructure projects such as updating the backup server and VMware cluster hardware that will be coming to lease term, renewal of enterprise software licensing with Microsoft, replacement of aging printer assets, and various upgrades to TexasBarCLE equipment. With regard to business systems, the bar intends to complete its deployment of a new case management system for the Supreme Court UPL Committee, upgrade its membership software to current versions, evaluate the upgrade and replacement of current document imaging and workflow software, contract for development of a replacement MCLE management information system, and to begin collecting requirements for a new Advertising Review information system. E-business or online initiatives include a redesign of the Texasbar.com web property, including mobile-friendly/responsive design, upgraded Google searching ability and streamlined content delivery and improvements to online payment processing. Finally, with regard to security and business continuity the Bar will be pursuing acquisition of mass alerting services, additional Intrusion Detection/Prevention Systems (IDS/IPS), and renewal of various continuity services contracts. Lastly, there are various ongoing educational programs planned for staff.

7.1.2 FY 2015 / 2016

For FY 2016, many initiatives will be continuations from the prior year. This includes infrastructure updates to desktop, server and network hardware and software. In the area of business systems, completion and go live of the new MCLE system is anticipated. Similarly, based upon the FY 2015 requirements gathering and business process analysis, procurement will begin for the new Advertising Review system. These improvements are also expected to drive new online functionality to support MCLE payment processes and reporting. Lastly, the bar will perform routine testing of its continuity and security systems, as well as continuing to educate staff.

7.1.3 FY 2016 / 2017

In FY 2017, the MCLE project should be complete and replacement of the Advertising Review compliance system will be commencing. This new system should include both improved back office functionality as well as new online functionality. At the same time, business requirements development and process review will begin for the Client Attorney Assistance Program (CAAP) case management system replacement. Infrastructure projects will revolve around the routine capital replacement programs for hardware and software, barring any major technical changes in the market that might force other initiatives. The bar will also be evaluating use of remote hosting facilities for the next iterative upgrade to the enterprise server infrastructure, as well as considering desktop virtualization for the next cycle of desktop replacements.

Please note that while desired technology objectives are highlighted here and targeted for specific fiscal year periods, this timeline is subject to change. Some or all objectives may be realigned or dropped dependent upon operational or financial factors, or by board direction. It should also be noted that some objectives appear in multiple fiscal years. This is largely due to the fact that many objectives are expected to span one or more fiscal periods; or be implemented in a phased approach in more than one fiscal year; or represent an objective that is ongoing in nature.

7.2 Technology Objective List

This section contains those technology objectives that are targeted for current three year planning cycle. These are grouped by Strategic Focus Area as defined in Section 2.5.

7.2.1 Strategic Focus Area #1: Infrastructure

<i>Renew Microsoft Volume Licensing for server, desktop, and office suite software</i>
<i>Replace Desktop computers and regional server equipment for State Bar Offices based on asset life cycle.</i>
<i>Replace printers and scanners based upon asset life cycle.</i>
<i>Replace server VMware virtualization infrastructure.</i>
<i>Replace backup storage technology to better support virtualization infrastructure, improve recoverability, and enhance backup speeds.</i>
<i>Implement higher speed scanning equipment to support high volume scanning needs.</i>
<i>Replace online faxing infrastructure equipment in law center and remote sites.</i>
<i>Replace MDM products and services and mobile equipment to promote increased management control of SBOT and BYOD mobile devices.</i>
<i>Implement new fiber services to support metro Ethernet for remote office leased space changes.</i>

7.2.2 Strategic Focus Area #2: Business Systems

<i>Implement case management system for Supreme Court UPLC information management.</i>
<i>Replace Minimum Continuing Legal Education (MCLE) Information Management System</i>
<i>Upgrade Membership system to current versions.</i>

<i>Replace Advertising Review Information Management System</i>
<i>Replace Client Attorney Assistance Program (CAAP) Case management system</i>
<i>TexasbarCLE improvements to include video production upgrades, onsite course delivery equipment and virtualization of TexasBarCLE.com website server environment.</i>
<i>Evaluate, upgrade and/or replace document imaging and workflow systems.</i>
<i>Provide improved indexing, search, and retrieval systems to protect and provide increased access to State Bar archival materials.</i>
<i>Provide improved employment applications submission, including online submission process.</i>
<i>Improve use of document imaging and workflow software for Human Resource files.</i>
<i>Improve automated reconciliation processes for Attorney Compliance systems to reduce staff workload and increase productivity.</i>

7.2.3 Strategic Focus Area #3: E-Business

<i>Redesign Texasbar.com web property to be responsive to mobile devices and provide streamlined access to member and public content</i>
<i>Provide enhanced Google search capability to Texasbar.com</i>
<i>Provide improved online reporting design and workflow for MCLE system.</i>
<i>Provide online payment capability for MCLE system</i>
<i>Provide improved payment processing for submission of annual dues and donations.</i>
<i>Provide online submission of Advertising Review requests</i>
<i>Provide document imaging capability and improved workflow for Advertising Review process.</i>
<i>Expand free online search capabilities to include multiple search vendors</i>
<i>Implement Texasbar connect replacement private community platform for use by sections and members.</i>

Provide improved indexing of online member directory search to improve performance and enhance SEO.

Provide mobile device sub-site for improved access to Texasbar.com.

7.2.4 Strategic Focus Area #4: Security, Compliance and Green Technologies

Implement intrusion detection/prevention device which supports web filtering/content blocking and intrusion detection for malware and injection attacks.

Renew hot-site services to support all state bar facilities in the event of emergency or disaster.

Procure online alerting system to provide for emergency messaging, as well as, potentially, to provide communication of critical issues to executives and leadership.

Conduct roundtable Business Continuity Tests, and onsite tests to validate Business Continuity plans.

Investigate cloud/remote hosting facilities to reduce facility footprint and energy consumption requirements

Expand use of document imaging and retrieval systems/ services to support reduction of paper documents.

Evaluate new systems to improve Texas Law Center security.

Implement new email encryption and private information detection software

Continue regular external security penetration testing for key sites/networks to meet PCI DSS requirements

Conduct security awareness classes for staff, educating and re-familiarizing them with required security policy and procedures.