

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Friday, June 17, 2016 8:31:19 AM

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

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, June 16, 2016 5:15 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: Jennifer

Last Name: Lamb

Title:

Organization you are affiliated with:

City: Austin

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

OPPOSITION TO ISSUE 3:

Recommendation State Bar of Texas Issue 3 must be rejected. Requiring the public to seek remedy through Informal Dispute Resolution would be in-effective and place the burden of time and expense on those legitimately seeking help. When a grievance is filed against an attorney who has failed to act in good faith, even at a court ordered mediation prior to trial, such a program like dispute resolution would serve no purpose. It would also give this agency an excuse to classify and transfer many grievances as "low-level" further shifting responsibility and accountability. In addition, determining what would constitute a low-level grievance is whatever the State Bar defines. As it stands, the public is in the dark as to why a grievance is dismissed, and what investigation if any was done when they are mailed a standard form letter.

The public view of this agency is already fractured with its gross mishandling and dismissal of nearly all meritorious complaints. It appears this agency only takes action when the media becomes involved, or when a grievance involves over 50+clients, or the complaint is sexual in nature.

Creating a referral process to Dispute Resolution is just a step away from requiring the public to now seek remedy by independently filing a lawsuit which obliterates the mission and purpose for the existence of this state funded agency commissioned to handle these matters. It's hard enough for a layperson to come forward and report misconduct. How will creating yet another stumbling block protect the public from becoming a victim of an attorney who commits ethical violations and is supported by an agency that fosters and conceals such behavior by now giving the Bar a scapegoat to further ignore such complaints?

Case in point:

I filed many legitimate grievances against an attorney that were factually supported by evidence, and all were quickly disposed as inquiries. I guess solicitation of perjury, and filing excessive motions for continuances which allowed a case to be dragged on for years for a supposed medical incapacitation causing unnecessary delay and expense, does not constitute a violation of the Bar's disciplinary rules? Where can we turn for help then? Failures of this agency are why lawyers like this

continue to act with total impunity.

Any Alternative or New Recommendations on This Agency:

RECOMMENDATIONS:

Solutions to re-establish faith in this judiciary, improve the administration of justice for the public, and maintain integrity and high standards of conduct for lawyers in this state is to completely overhaul or abolish this state agency:

1. Shorten this agency's review cycle. It would be an oversight to allow the State Bar to continue on a path with no accountability or regulation for another decade.
2. Reclassify jobs for those under the Chief Disciplinary Counsel office, Board of Disciplinary Appeals, Professional Ethics Committee, Executive Team, and the Finance Department as requiring security clearances so there is no compromise to the duties the tax payers entrust them with. There needs to be continued federal monitoring (random spot checks) on these individuals' finances to see if their salaries don't match what is budgeted for this agency. This is how you aid in stopping white collar crimes and corruption.
3. Have an outside agency (preferably federal), and not an internal auditor that is hired by the Supreme Court or the State Bar, perform annual audits. This agency needs to be more transparent in how they allocate funding. How much of their budget is allocated toward investigating and reviewing public grievances? At least, 90% of their budget should be set aside to support their mission in protecting the public. The funds obviously exist, but are not allocated to support the primary purpose of this agency.
4. Why is the claim of lacking standard authority to conduct effective investigations just being addressed now? Why has the public suffered on account of this agency's excuse of lack of subpoena power? This should have been resolved decades ago. Random audits of grievances previously dismissed as inquiries dated from the last review cycle--forward should be conducted.
5. Dismissal letters to complainants MUST provide additional explanation of how the alleged conduct does not violate the rules or the law. Similar to a request for Findings of Fact and Conclusion of Law to aid in the next remedy-- the appeal proceeding.
6. This agency must be more transparent in their disclosure of all sources of revenue. If the source of these "other contributions" comes from the same group of lawyers who manage to escape disciplinary action-- the public has a right to know. They must be subject to scrutiny for any over payment of annual dues, misappropriated funds, funds vaguely defined as gifts or other revenue. In the public's eye, this could be money paid by attorneys to keep grievances in the dismissal tray. Audit all expenditures and contributions from the Judicial Section of the Board annually as well.
7. All lawyers, as part of maintaining a license to practice law and maintaining State Bar membership, must disclose their calculation of annual dues paid for continued membership, CLE, etc., and also report any local campaign contributions or financial support given to judges to rule out unduly influencing a tribunal.
8. The Supreme Court needs to have inherent authority to oversee attorney discipline and administration of the State Bar. Do not allow attorneys to vote on their own disciplinary rules. The rules must be updated with more violations of disciplinary rules of professional conduct by cross-referencing and introducing those filed by informal grievances.
9. Consolidate two agencies which are jointly related and ineffective in protecting the public--The Judicial Conduct Commission and The Texas State Bar since most judges are also required to be a member of the State Bar. Or, discontinue the Texas State Bar's charter provided drastic changes are implemented which is to essentially start over with new people and a new board of directors.

10. The process to apply for, and maintain Board certification needs to be re-evaluated and strictly operated by the Legislature and Supreme Court with no oversight by the State Bar. Attorneys with multiple grievances stemming over a period of several years which involve several members of the public must be stripped of this recognition. Board certification recognition must be denied if the attorney continues to have multiple grievances on file even if previously overlooked by the State Bar. The vetted references a Board Certification applicant must furnish must not be from attorneys who also have grievances on file with the State Bar. All this creates is corrupt attorneys vetting other corrupt attorneys who are ultimately protected by the State Bar.

11. Reduce all the red-tape for the public to get Pro Bono assistance. The need is great for those seeking Pro Bono help –I can only equate it to waiting in a line for hours for a piece of bread, only to discover they are out of water too. Many go at it alone, or give up because most legal issues aren't on hold while you're on a waiting list. So many people especially in civil, family law related matters need help and fast, but the resources especially in appellate cases are few to none. Actively promote Pro Bono work by waiving all membership and annual dues from lawyers who actually participate in Pro Bono work. Lawyers who engage in Pro Bono cases must be rewarded with something tangible that helps offset their costs to do the work, not just a plaque. Offer incentives to broaden the scope that law students can offer in Pro Bono cases.

My Comment Will Be Made Public: I agree