

From: [Sunset Advisory Commission](#)
To: [Brittany Calame](#); [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Friday, May 13, 2016 10:39:54 AM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Friday, May 13, 2016 10:01 AM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BAR TEXAS

First Name: James

Last Name: Mosley

Title: 316th District Judge

Organization you are affiliated with: State of Texas

City: Stinnett

State: Texas

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

1. The Rulemaking Process at the State Bar DOES NOT Obstruct Changes Needed to Effectively Regulate Attorneys.

- As a former trial attorney and now a trial judge, I begin and end my analysis of an alleged problem looking for objective evidence. In that regard, the Commission would lose a no-evidence summary judgment motion because the Commission has provided NO objective evidence that a problem exists with the present system other than some vague notion that because changing the rules is hard the system must be broken. Where is the objective substantive evidence that the system is broken? Not one statistic is provided. This appears to be a solution looking for a problem. The solution appears to be to create yet another bloated, inefficient and ineffective bureaucracy to regulate attorneys that will be paid for by a tremendous increase in State Bar dues and/or some other "tax" on attorneys. Until the Commission can provide some evidence other than some vague, subjective notion that there is a problem the system should remain as it is. Perhaps referendums do not pass because they are not worthy of being passed. This is an example of a group of people who when they do not get there way just decide to change the rules until they do get their way.

2. Texas' Attorney Discipline System DOES NOT Lack Best Practices Needed to Ensure Fair, Effective Regulation to Protect the Public.

My response to this Issue is much the same as to Issue #1 above.

The Commission again provides no objective evidence of a problem other than the ABA does it differently so we should copy the ABA. Further, the Commission once again favors a centralized, bloated, inefficient bureaucracy seated in Austin to solve all the problems of the State of Texas when the decentralized system is more efficient, less costly and allows attorneys to assist in disciplining there own. My experience with attorneys is that we are much harder on our own brethren than the public is when it comes to ethics and professionalism. The idea that attorneys are running some "good old boy" network and allowing disciplinary problems to run amok and damage the public is without any objective evidence and goes against the very oath we take as attorneys. We are protective of our

profession and do a good job policing our own problems. Once again, the problem identified is not really a problem at all. The proposed solution will not only fail to solve the supposed problem but will end up costing attorneys a lot more money when their dues and/or other "taxes" are raised or created out of thin air to create yet another unnecessary bureaucracy. The Commission should be trying to create a more efficient and decentralized state government instead of trying to create a more centralized and inefficient bureaucracy to solve problems that do not exist.

Any Alternative or New Recommendations on This Agency: Issues #1 and #2 as to the State Bar of Texas should be dismissed as solutions looking for problems that do not exist.

My Comment Will Be Made Public: I agree