

STATE BAR OF TEXAS

S.B. 302 Watson (S. Thompson)

Staff Contact: Katharine Teleki

Governance

- Improve the State Bar's rulemaking process by requiring a new rules committee, clear timeframes, and opportunities for public input, while preserving the right for attorneys to vote to approve rules governing their conduct and discipline.
- Require State Bar members to vote to approve membership fee increases of more than 10 percent, or occurring more frequently than once every six years.
- Update a standard Sunset good government provision to ensure State Bar board members are adequately trained on their responsibilities and the limits of their authority.
- Prohibit rulemaking that would violate religious freedom protections in Chapter 110, Civil Practice and Remedies Code.

Attorney Discipline Process

- Require the State Bar to obtain existing fingerprint-based criminal history information on licensed attorneys on file with the Board of Law Examiners, and allow sharing of criminal history information between the two agencies moving forward.
- Require licensed attorneys to self-report criminal activity and discipline imposed by other states, and the State Bar to regularly query a national disciplinary database to ensure access to complete information needed to protect Texans.
- Reinstate the chief disciplinary counsel's subpoena power during the investigative phase of the attorney discipline process, with approval and appeal safeguards, to ensure timely access to information needed to investigate allegations.
- Ensure the minimum standards and procedures for the attorney disciplinary system provide attorneys the opportunity to respond to all allegations of misconduct against them.
- Require a standard process and criteria for conducting investigatory hearings to attempt earlier resolution for certain cases and avoid costly litigation when possible.
- Require a re-evaluation and adjustment of time frames governing the grievance process to provide flexibility while also preserving timely resolution of cases.
- Clearly establish the Grievance Referral Program in rule, and expand its use to any point in the attorney discipline process to formalize the use of this non-disciplinary approach for case resolution.
- Require comprehensive sanction guidelines in the Texas Rules of Disciplinary Procedure to promote consistent statewide application of sanctions for similar types of misconduct and transparency into decision making.

Public Information and Consumer Assistance

- Establish an independent ombudsman's office under the direct authority of the Supreme Court, but funded by the State Bar, to help people access the attorney discipline system and evaluate the effectiveness of the system overall.
- Require an earlier referral process to divert minor issues from the formal grievance system to the Client-Attorney Assistance Program to help resolve common client-attorney issues more quickly and improve overall public satisfaction.
- Require the chief disciplinary counsel to track and report detailed disciplinary case outcomes, including posting summary information to the website, to provide evaluative information about how the discipline system functions overall.
- Require the Commission for Lawyer Discipline's annual report to include detailed information about cases relating to barratry, such as improper solicitation of clients.
- Require the State Bar to post public information about individual disciplinary actions taken against attorneys on its website to make it easier for people to make informed decisions about attorneys they may hire.
- Direct the Office of the Chief Disciplinary Counsel to more proactively provide assistance to complainants in understanding reasons for complaint dismissal. (Management action – nonstatutory)

Continue

- Continue the State Bar for 12 years.