



**STATE BAR OF TEXAS
SELF EVALUATION REPORT
TO THE SUNSET ADVISORY
COMMISSION**

AUGUST 17, 2001

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State Bar of Texas Self-Evaluation Report

I. Key Functions, Powers, and Duties

A. Provide an overview of the agency's mission, key functions, powers, and duties. Specify which duties are statutory.

The State Bar of Texas is an administrative agency of the Supreme Court of Texas. It assists the Court in its exercise of the judicial department's powers under the 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 brings together all of the necessary functions to assure access to the legal system and to improve delivery of legal services to the public. The unified bar exemplifies the profession's collective responsibility for public protection and high professional standards.

The State Bar serves both attorneys and the public by providing and coordinating initiatives and programs related to three areas of core competency: professionalism, public protection, and public service. Both the mission and the purposes of the State Bar reflect these core competencies. 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 purpose clause of the State Bar Act (Texas Government Code §81.012), 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 above.*

In furtherance of these purposes, the State Bar has adopted long-range strategic goals, including continuing to re-affirm support for the diversity of the Bar and to improve the program of donated legal services to the poor. (Please see State Bar Exhibit 1, Long-Range Strategic Goals.)

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

PROFESSIONALISM

- C Electing practicing attorneys to serve on the board of directors, thus providing self-governing leadership and enhanced representation of the legal profession
- C Having public and minority members appointed to the board of directors to ensure diverse and responsive representation in Bar leadership
- C Offering premier continuing legal education courses
- C Organizing and supporting sections, committees, and divisions to further knowledge about the law
- C Publishing materials designed to help provide informed and efficient client service
- C Disseminating legal information and resources for Texas lawyers and the public
- C Assisting solo and small firm practitioners with law office management support
- C Increasing involvement of and opportunities for minority attorneys
- C Assisting local bar associations
- C Planning an annual meeting of the Bar membership

PUBLIC PROTECTION

- C Administering the attorney disciplinary and disability system in accordance with the Texas Rules of Disciplinary Procedure
- C Assisting the public in resolving disputes with lawyers in matters that do not involve misconduct or unethical behavior
- C Providing for identification, peer intervention, and rehabilitation of licensed attorneys whose professional performance is impaired because of physical or mental illness or substance abuse
- C Addressing attorney professionalism issues on an individual basis through peer counseling, mentoring, monitoring, and education
- C Providing monetary relief to clients who have suffered financial loss at the hands of dishonest lawyers
- C Requiring each licensed attorney to complete 15 hours of continuing legal education each year (including three hours on ethics topics)
- C Managing the review process for lawyer advertising and disseminating information to lawyers and the public about the rules of lawyer advertising
- C Maintaining membership data of all licensed attorneys and collecting attorney dues

PUBLIC SERVICE

- C 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 people
- C Administering the mandatory Interest on Lawyers' Trust Accounts (IOLTA) program and disbursing grant funds to legal services to the poor programs
- C Coordinating lawyer referral services for unserved areas and certifying legitimate referral services
- C Coordinating the 20,000 member Texas Young Lawyers Association membership to serve as the public service arm of the State Bar of Texas
- C Helping educators, students, and citizens understand and appreciate the legal system
- C Maintaining the historical records and archives of the legal profession in Texas
- C Soliciting charitable contributions and providing funding to enhance the rule of law and the system of justice in Texas

For information about the State Bar's quasi-state agency status, please see State Bar Exhibit 2.

B. Does the agency's enabling law correctly reflect the agency's mission, key functions, powers, and duties?

Yes, the State Bar Act provides the basis for all State Bar activities and correctly reflects the agency's mission, key functions, powers, and duties.

C. Please explain why these functions are needed. Are any of these functions required by federal law?

Individually, each State Bar function provides a necessary service. The totality of the State Bar's activities work together to further the United States system of jurisprudence by regulating the practice of law, striving to increase professionalism among lawyers, and serving the public. By improving legal services and also making those services easier to access, the State Bar of Texas helps guarantee each citizen his or her right to due process of law as guaranteed by the United States Constitution.

State Bar functions are not required by federal law. Rather, the existence of the State Bar assists the judicial branch of government in regulating the practice of law and in serving lawyers, who are considered officers of the court and an integral part of the judicial system.

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

In the United States and its territories, there are 37 unified (or integrated) bars. The core functions administered by unified bars are generally the same: attorney discipline, mandatory continuing legal education, client security funds, lawyer substance abuse, lawyer advertising, Interest on Lawyers' Trust Accounts (IOLTA) administration, and bar admissions. The largest unified bar is the State Bar of California with over 169,000 members and \$82 million in annual expenditures. The State Bar Association of North Dakota is the smallest unified bar with 1,800 members and \$600,000 in annual expenditures.

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 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 any meaningful comparisons difficult.

E. Describe any major agency functions that are outsourced.

No *major* agency functions are outsourced. The State Bar has outsourced some smaller functions, including software development, web site development, and statewide officer and director election ballot mailout and vote tabulation. All printing is outsourced.

F. Discuss anticipated changes in federal law and outstanding court cases as they impact the agency's key functions.

Litigation involving the Interest on Lawyers' Trust Accounts (IOLTA) program has been ongoing since the 1980s. This type of account pools client trust accounts that are either too small to earn interest or are held for too short a period of time. The accounts generate interest that is used to fund civil legal services for the poor. The Texas Equal Access to Justice Foundation (TEAJF), an organization of the Supreme Court of

Texas and the State Bar, administers the funds earned by the accounts and distributes them through grants to non-profit organizations in Texas that provide civil legal assistance to low-income Texans.

Two cases involving the Texas IOLTA program are currently pending: *Washington Legal Foundation v. Texas Equal Access to Justice Foundation* (86 F. Supp.2d 624 (W.D. Tex. 2000), appeal docketed, No. 00-50139 (5th Cir. Feb. 28, 2000)) and *Paulsen v. State Bar of Texas* (No. 03-00-00254-CV (Tex. App.--Austin)). In *Washington Legal Foundation*, the plaintiffs allege that the IOLTA program violates the First Amendment of the U.S. Constitution by requiring the support of ideological and political causes that are objectionable. In addition, the plaintiffs allege that the program violates the Fifth Amendment of the U.S. Constitution, which provides that “private property” shall not be “taken for public use without just compensation.” In *Paulsen*, the plaintiff alleges that participation in the IOLTA program violates the state’s ethics rules, and as such, the plaintiff withdrew from mandatory participation in the program.

These lawsuits have the potential to impact a significant funding source for civil legal services to the poor. If the IOLTA program is found to be unconstitutional and no longer authorized to collect funds from qualifying trust accounts, a shortfall of approximately \$5 million would be created for civil legal services to the poor programs in Texas. This shortage could increase demands on the State Bar budget and other potential funding sources. For more detailed information about these lawsuits, please see State Bar Exhibit 3.

There are no anticipated changes in federal law that will impact the State Bar’s key functions.

G. Please fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact the agency. Do not include general state statutes that apply to all agencies, such as the Open Records Act, the Open Meetings Act, or the Administrative Procedure and Texas Register Act. Provide the same information for Attorney General opinions from FY 1997 - 2001, or earlier significant Attorney General opinions, that affect the agency’s operations.

State Bar of Texas	
Exhibit 1: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency
Government Code, Chapter 81/State Bar Act	Establishes the State Bar and defines its purposes. Provides for board structure, budget process, rules adoption, membership requirements and fees, and disciplinary procedures, among other things.
Tax Code, Section 191.1443	Authorizes the State Bar to adopt policies and rules for the administration and collection of the attorney occupation tax.
Family Code, Chapter 232	Authorizes the State Bar to suspend attorney licenses for failure to pay child support or comply with a subpoena issued in a parentage determination or child support proceeding.

Government Code, Section 82.022	Allows the Supreme Court to adopt rules relating to the nonrenewal of the license of a lawyer who is in default on a loan guaranteed under Chapter 57, Education Code, by the Texas Guaranteed Student Loan Corporation.
Occupations Code, Chapter 951	Authorizes the State Bar Board of Directors to adopt prepaid legal services pilot programs for certain organizations.
Occupations Code, Chapter 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.
Government Code, Chapter 82, Subchapter C	Addresses attorney conduct that may result in referral to the attorney disciplinary system.
Government Code, Chapter 83	Sets out permitted <i>and</i> prohibited acts of nonlawyers. (Also see related citations in Chapter 81, Government Code, defining the practice of law and creating the Unauthorized Practice of Law Committee.)
Government Code, Sections 23.202 and 23.203	Requires the State Bar to publish and distribute a uniform jury handbook.
Family Code, Section 107.006	Requires guardian ad litem and attorney ad litem to complete training approved by the State Bar of Texas in family law and the responsibilities of ad litem.
Probate Code, Section 647A	Requires court-appointed attorneys in any guardianship proceeding to be certified by the State Bar of Texas or a person or other entity designated 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.
Government Code, Section 411.1005	Grants the General Counsel of the State Bar of Texas access to criminal history record information of licensed attorneys who are subject to investigation.
Government Code, Section 22.004	Requires that Rules of Civil Procedure promulgated by the Supreme Court be mailed to each registered member of the State Bar of Texas within 60 days before the effective date of the rules.
Government Code, Section 74.024	Requires that adopted rules of court administration be mailed to each registered member of the State Bar of Texas no later than the 120th day before the date on which they become effective and allowing 60 days for review and comment.
Government Code, Section 22.108	Requires the <i>Texas Bar Journal</i> to publish rules of posttrial, appellate, and review procedure in criminal cases.
Government Code, Section 22.109	Requires the <i>Texas Bar Journal</i> to publish rules of evidence in trials of criminal cases.

Government Code, Section 33.005	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.
Government Code, Sections 82.023 and 82.030	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 of Texas.
Health and Safety Code, Chapter 467	Allows professional associations or licensing or disciplinary authorities to establish a peer assistance program 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 basis for the State Bar's Texas Lawyers' Assistance Program.)
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
Open Records Decision No. 604 June 17, 1992 (Overturned by state court)	AG opinion prohibited the State Bar from withholding a list of registrants for professional development programs. In <i>State Bar of Texas v. Dan Morales</i> , the court ruled in favor of the State Bar declaring that the Texas Open Records Act did not require the State Bar to publicly disclose lists of registrants for its professional development programs. Because of this ruling, TexasBar CLE is not required to provide this information to its competitors in the continuing legal education business.

H. Please fill in the following chart:

State Bar of Texas Exhibit 2: Agency Contacts			
	Name	Address	Telephone Number Fax Number E-mail Address
Agency Head	Antonio Alvarado Executive Director	1414 Colorado, Suite 301 Austin, TX 78701	P 512-463-1463, extension 1400 F 512-473-2295 aalvarado@texasbar.com
Agency's Sunset Liaison	KaLyn Laney External Affairs Officer & Director of Governmental Relations	1414 Colorado, Suite 301 Austin, TX 78701	P 512-475-0814 F 512-473-2295 klaney@texasbar.com

II. History and Major Events

Provide a timeline discussion of the agency's history, briefly describing the key events in the development of the agency, including:

- C the date the agency was established;
- C the original purpose and responsibilities of the agency;
- C major changes in responsibilities or statutory authority;
- C agency/policymaking body name and composition changes;
- C the impact of state/federal legislation, mandates, and funding;
- C the impact of significant state/federal litigation that specifically affects the agency's operations; and
- C key organizational events and areas of change and impact on the 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 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 tapped for a \$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.
- 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 State Bar staff was reorganized into a new division structure, which included Executive, Information Technology and Strategic Planning, Member Services, Public Services, Governance, Operations, and General Counsel.
- 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.
- 2001 State Bar management was reorganized and division structure was re-aligned. A chain of command was created with the Chief Operating Officer and External Affairs Officer succeeding the Executive Director.

III. Policymaking Structure

A. Please complete the following chart:

State Bar of Texas Exhibit 3: Policymaking Body				
Member Name	Term/ Appointment Dates/ Appointed by ____ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	Address	Telephone Number Fax Number E-mail Address
Broadus A. Spivey	2000 - 2003 President 2001-2002 Elected	Attorney	Spivey & Ainsworth, PC 48 East Avenue Austin TX 78701	P 512-474-6061 F 512-474-1605 bspivey@ texasbar.com
Guy N. Harrison	2001 - 2004 President 2002-2003 Elected	Attorney	Attorney at Law 217 Center Longview TX 75601	P 903-758-7361 F 903-753-9557 gnharrison@ att.net
Lynne Liberato	1999 - 2002 President 2000-2001 Elected	Attorney	Haynes and Boone, LLP 1000 Louisiana Street, Suite 4300 Houston TX 77002-5012	P 713-547-2017 F 713-236-5538 liberatl@ haynesboone.com
Vidal G. Martinez	1999 - 2002 Appointed to board by President of the State Bar of Texas with recommendation from special ad hoc committee Chair of the Board for 2001-2002 Elected by the State Bar Board of Directors in 2001	Minority Member Attorney	Winstead Sechrest & Minick, PC 2400 Bank One Center, Suite 2400 910 Travis Street Houston TX 77002-5895	P 713-650-2737 F 713-650-2400 vmartinez@ winstead.com

Richard T. Miller (Non-voting Member)	1998 - 2001 Elected Chair of the Board for 2000 - 2001 Elected by the State Bar Board of Directors in 2000	Attorney	Attorney at Law PO Box 99 San Saba TX 76877	P 915-372-4400 F 915-372-3645 rtmiller@ centex.net
Kim J. Askew	2001 - 2004 District 6, Place 5 Elected	Attorney	Hughes & Luce LLP 1717 Main Street, Suite 2800 Dallas TX 75201	P 214-939-5579 F 214-939-5849 askewk@ hughesluce.com
W. Mike Baggett	2001 - 2004 District 6, Place 1 Elected	Attorney	Winstead Sechrest & Minick, PC 5400 Renaissance Tower Dallas TX 75270	P 214-745-5303 F 214-745-5390 mbaggett@ winstead.com
Georgina M. Benavides	2000 - 2003 June 2000 Appointed by President of the State Bar of Texas with recommendation from special ad hoc committee	Minority Member Attorney	Gonzales & Associates Summit Park North 817 East Esperanza McAllen TX 78501	P 956-664-0100 F 956-664-1529 ginab9@ hotmail.com
William H. Betts, Jr. (Non-voting)	Section Representative to the Board Committee Member 2001 - 2004 Appointed by President of the State Bar based on recommendation from the Council of Chairs	General Practice, Solo, and Small Firm Section	Ehlert & Betts, PC PO Box 1118 Brenham TX 77834-1118	P 979-836-3636 F 979-836-3657 bbetts@ ehlerbetts.com
Blair A. Bisbey	2001 - 2004 District 3 Elected	Attorney	Seale, Stover & Bisbey PO Box 480 Jasper TX 75951	P 409-384-3463 F 409-384-3017 bbisbe@inu.net
Dan M. Boulware	2000 - 2003 District 7, Place 1 Elected	Attorney	MacLean & Boulware 11 Main Street Cleburne TX 76031	P 817-645-3700 F 817-645-3788 shberkley@ yahoo.com

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Mina A. Brees	2001 - 2004 District 9, Place 2 Elected	Attorney	Munsch Hardt Kopf & Harr 111 Congress Avenue, Suite 2010 Austin TX 78701	P 512-391-6100 F 512-391-6149 mbrees@ munsch.com
Ralph Brock (Non-voting Member)	Section Representative to the Board Committee Member 2000 - 2003 Appointed by President of the State Bar based on recommendation from the Council of Chairs	Women and the Law Section	PO Box 959 Lubbock TX 79408-0959	P 806-762-5671 F 806-762-3534 brock@abanet .org
Jennifer Gibbins Durbin	2001 - 2004 District 10, Place 2 Elected	Attorney	Allen, Stein & Durbin PO Box 101507 San Antonio TX 78201	P 210-734-7488 F 210-738-8036 jdurbin@ asdh.com
George Edwards, Jr.	1999 - 2002 June 1999 Appointed by Supreme Court of Texas based in part on recommendations from Office of the Governor	Public Member	7402 Palisades Heights Court Houston TX 77095	P 281-855-8449
Harper Estes	1999 - 2002 District 16 Elected	Attorney	Lynch Chappell & Alsup 300 North Marienfeld, Suite 700 Midland TX 79701	P 915-683-3351 F 915-683-2587 hestes@ lynchchappell .com
Angel Z. Fraga	1999 - 2002 District 4, Place 7 Elected	Attorney	Attorney at Law 1001 Texas Avenue #1000 Houston TX 77002	P 713-224-5222 F 713-222-8833
Robert V. Gibson (Non-voting)	Section Representative to the Board Committee Member 2001 - 2004 Appointed by President of the State Bar based on recommendation from the Council of Chairs	Taxation Section	Krafsur Gordon Mott PC 4695 N. Mesa El Paso TX 79912	P 915-545-1133 F 915-545-4433 rgibson@ krafsur.com

Amy Karff Halevy	1999 - 2002 District 4, Place 2 Elected	Attorney	Bracewell & Patterson, LLP S. Tower Pennzoil Place 711 Louisiana Street, Suite 2900 Houston TX 77002-2781	P 713-221-1329 F 713-222-3212 ahalevy@ bracepatt.com
Andrew S. Hanen	2000 - 2003 District 4, Place 5 Elected	Attorney	Hanen, Alexander, Johnson & Spalding, LLP 1700 Bank One Center 910 Travis Houston TX 77002	P 713-222-2323 F 713-222-2226 ahanen@hajs.com
Richard S. Hoffman	1999 - 2002 District 12 Elected	Attorney	Law Offices of Richard S. Hoffman 1718 Boca Chica Boulevard Brownsville TX 78520	P 956-544-2345 F 956-982-1909 rhoff88302@ aol.com
John H. Hofmann	2001 - 2004 District 15 Elected	Attorney	Attorney at Law PO Box 3505 San Angelo TX 76902	P 915-658-3211 F 915-658-3220
Jarvis V. Hollingsworth	2001 - 2004 June 2001 Appointed by President of the State Bar of Texas with recommendation from special ad hoc committee	Minority Member Attorney	Bracewell & Patterson LLP 711 Louisiana Street, Suite 2900 Houston TX 77002-2781	P 713-221-1460 F 713-221-1212 jhollingsworth@ bracepatt.com
Elsie L. Huang	1999 - 2002 June 1999 Appointed by Supreme Court of Texas based in part on recommendations from Office of the Governor	Public Member	12625 Memorial Drive #141 Houston TX 77024	P 713-467-7820 F 713-827-8052 Chuang5912@ aol.com
Robert W. Jordan	2000 - 2003 District 6, Place 4 Elected	Attorney	Baker Botts LLP 2001 Ross Avenue, Suite 600 Dallas TX 75201	P 214-953-6518 F 214-661-4518 robert.jordan@ bakerbotts.com

John F. Landgraf	2001 - 2004 Appointed by Supreme Court of Texas based in part on recommendations from Office of the Governor	Public Member	521 North Texas Avenue Odessa TX 79761-5131	P 915-332-5058 F 915-332-8812 jfl@lcaodessa.com
Elizabeth Lang-Miers	1999 - 2002 District 6, Place 2 Elected	Attorney	Locke Liddell & Sapp LLP 2200 Ross Avenue, Suite 2200 Dallas TX 75201-6776	P 214-740-8487 F 214-740-8800 elang-miers@lockeliddell.com
Robert L. LeBoeuf	2000 - 2003 District 5 Elected	Attorney	LeBoeuf & Wittenmyer, PC PO Box 300 Angleton TX 77516-0300	P 979-849-8218 F 979-849-9290 leboeuf1@brazoria.net
Melinda C. McMichael, M.D.	2001 - 2004 Appointed by Supreme Court of Texas based in part on recommendations from Office of the Governor	Public Member	2911 Greenlee Drive Austin TX 78703	P 512-472-1673 F 512-494-1180 mcmichael@mail.utexas.edu
Stephen C. Maxwell	2001 - 2004 District 7, Place 2 Elected	Attorney	Hill Gilstrap, PC 1400 W. Abram Arlington TX 76040	P 817-276-4944 F 817-277-3249 scmaxwell@hillgilstrap.com
John Stanley Mayfield	2000 - 2003 June 2000 Appointed by Supreme Court of Texas based in part on recommendations from Office of the Governor	Public Member	Mayfield Paper Company Box 3889 San Angelo TX 76902	P 915-653-1444 F 915-653-7031 mayfield@wcc.net
Amos L. Mazzant	2000 - 2003 Texas Young Lawyers Association President 2001 - 2002 Elected	Attorney	US Courthouse Annex 200 North Travis Street Sherman TX 75090	P 903-893-7008 ext 224 F 903-893-9067 alm@texoma.net

Vicki L. Menard (Non-voting)	Section Representative to the Board Committee Member 2000 - 2003 Appointed by President of the State Bar based on recommendation from the Council of Chairs	Litigation Section	Flowers, Davis, Menard & Witt, PLLC PO Box 7335 Waco TX 76714	P 254-751-9133 F 254-751-9134
John H. Miller, Jr.	1999 - 2002 District 11 Elected	Attorney	Attorney at Law PO Box 1054 Sinton TX 78387-1054	P 361-364-1600 F 361-364-1215 miller701@ aol.com
Manuel "Manny" Newburger (Non-voting)	Section Representative to the Board Committee Member 1999 - 2002 Appointed by President of the State Bar based on recommendation from the Council of Chairs	Consumer Law Section	Barron & Newburger, PC 811 Barton Springs Road, Suite 250 Austin TX 78704	P 512-476-9103 F 512-476-9253 mhn@flash.net
Glenn A. Perry	2001 - 2004 District 2 Elected	Attorney	Perry, Womack & Ward, LLP PO Box 3266 Longview TX 75606	P 903-757-9191 F 903-758-3239 js@ pwwlawfirm.com
Gary Reaves	1999 - 2002 District 17 Elected	Attorney	Vinson & Reaves State National Bank Tower, Suite 301 6044 Gateway East El Paso TX 79905	P 915-778-4422 F 915-778-1790 greaves@whc.net
Beverly Gayle Reeves	2000 - 2003 District 9, Place 1 Elected	Attorney	Vinson & Elkins, LLP 600 Congress Avenue, Suite 2700 Austin TX 78701	P 512-495-8538 F 512-236-3490 breeves@ velaw.com
Homer B. Reynolds III	2001 - 2004 District 1 Elected	Attorney	Siebman, Reynolds & Burg, LLP 5000 Legacy Drive, Suite 250 Plano TX 75024	P 972-403-9339 F 972-378-9698 hbriiipc@aol.com

Vianei Lopez Robinson (Non-voting)	Section Representative to the Board Committee Member 1999 - 2002 Appointed by President of the State Bar based on recommendation from the Council of Chairs	Labor & Employment Law Section	Robinson Law Firm First National Bank Tower 400 Pine Street, Suite 1070 Abilene TX 79601	P 915-672-6041 F 915-672-6044 vlr@ robinsonlawfirm .com
Renato Santos, Jr.	2001 - 2004 June 2001 Appointed by President of the State Bar of Texas with recommendation from special ad hoc committee	Minority Member Attorney	Attorney at Law 3605 Katy Freeway, Suite 101 Houston TX 77007	P 713-862-9631 F 713-862-9647 renato.santos3@ gte.net
Charles W. Schwartz	2000 - 2003 District 4, Place 6 Elected	Attorney	Vinson & Elkins 2300 First City Tower 1001 Fannin Street Houston TX 77002-6760	P 713-758-3852 F 713-615-5504 cschwartz@ velaw.com
Luther H. Soules III	2000 - 2003 District 10, Place 1 Elected	Attorney	Soules & Wallace PC 1500 Frost Bank Tower 100 W. Houston Street San Antonio TX 78205-1457	P 210-224-9144 F 210-224-7073 lsoules@ soulesandwallace.co m
Sidney Stahl	1999 - 2002 District 6, Place 3 Elected	Attorney	Sidney Stahl, Attorney-Mediator 2200 Ross Avenue, Suite 4000 Dallas TX 75201	P 214-720-4070 F 214-720-4071 sidstahl@ airmail.net
William Steven Steele	2001 - 2004 District 8 Elected	Attorney	Davis & Davis PO Box 3610 Bryan TX 77805-3610	P 979-776-9551 F 979-776-2712 davislaw@ myriad.net
David W. Stevens	2000 - 2003 June 2000 Appointed by Supreme Court of Texas based in part on recommendations from Office of the Governor	Public Member	Southern Union Gas 504 Lavaca, Suite 800 Austin TX 78701	P 512-370-8600 F 512-482-8099 dstevens@ sugas.com

Andrew Strong	2001 - 2004 Texas Young Lawyers Association President 2002 - 2003 Elected	Attorney	Campbell, George & Strong, LLP 5252 Westchester, Suite 160 Houston TX 77005	P 713-662-9083 F 713-662-9093 astrong@ cg-law.com
Kent C. Sullivan	1999 - 2002 District 4, Place 4 Elected	Attorney	Lanier, Parker & Sullivan, PC 1331 Lamar Street, Suite 1550 Houston TX 77010	P 713-659-5200 F 713-659-2204 kcs@lpspc.com
Stephen H. Suttle	1999 - 2002 District 14 Elected	Attorney	McMahon, Surovik, Suttle, Buhmann, Hicks & Gill, PC 400 Pine Street, Suite 800 Abilene TX 79601	P 915-676-9183 F 915-676-8836 ssuttle@mcmahonla wtx.com
Amy Dunn Taylor	2001 - 2004 District 4, Place 1 Elected	Attorney	Howrey, Simon, Arnold & White LLP 750 Bering Drive Houston TX 77057-2198	P 713-787-1663 F 713-787-1440 taylora@ howrey.com
D. Gibson Walton	1999 - 2002 District 4, Place 3 Elected	Attorney	Vinson & Elkins, LLP 2300 First City Tower 1001 Fannin Street Houston TX 77002-6760	P 713-758-2026 F 713-615-5400 gwalton@ velaw.com
Mark D. White	1999 - 2002 District 13 Elected	Attorney	Sprouse, Smith & Rowley, PC PO Box 15008 Amarillo TX 79105-5008	P 806-468-3306 F 806-373-3454 mdwhite@ sprouselaw.com
Melody M. Wilkinson	1999 - 2002 Texas Young Lawyers Association President 2000 - 2001 Elected	Attorney	Cantey & Hanger 801 Cherry Street, Suite 2100 Fort Worth TX 76102-6898	P 817-877-2864 F 817-877-2807 mwilkinson@ canteyhanger.com

Self-Evaluation Report

Antonio Alvarado (Non-voting)	Ex Officio	Executive Director	State Bar of Texas 1414 Colorado Austin TX 78701-1627	P 512-463-1463, ext 1400 F 512-473-2295 aalvarado@ texasbar.com
Dawn Miller (Non-voting)	Ex Officio	Chief Disciplinary Counsel	State Bar of Texas 6300 La Calma Drive, Suite 300 Austin TX 78752	P 512-453-5535 F 512-453-6667 dmiller@ texasbar.com
Shelby Rogers (Non-voting)	Ex Officio	General Counsel	State Bar of Texas 1414 Colorado Austin TX 78701-1627	P 512-463-1463, ext 1550 F 512-936-2267 srogers@ texasbar.com
Judge Mark D. Atkinson (Non-voting)	Judicial Section Liaison 2001 - 2002 Serves as liaison to the Board due to holding office of chair of Judicial Section	Chair of Judicial Section	County Criminal Court at Law #13 1302 Preston Street Houston TX 77002-2013	P 713-755-7950
Turner W. Branch (Non-voting)	Out-of-State Lawyer Liaison 2000 - 2003 Appointed by President of State Bar of Texas	Attorney	Branch Law Firm 2025 Rio Grande Boulevard NW Albuquerque NM 87104-2525	P 505-243-3501 F 505-243-3534 tbranch@ branchlawfirm .com
Justice Craig T. Enoch (Non-voting)	Supreme Court Liaison Term not defined Appointed by Chief Justice of the Supreme Court of Texas	Supreme Court Justice	Supreme Court of Texas PO Box 12248 Austin TX 78711-2248	P 512-463-1340 F 512-463-1365 Craig.Enoch@ courts.state.tx.us
Judge John H. Hannah, Jr. (Non-voting)	Federal Judicial Liaison 2001 - 2002 Judges from each of the four federal districts in Texas serve one-year rotating terms	U.S. District Judge	U.S. Courthouse 221 W. Ferguson, Suite 100 Tyler TX 75702-7200	P 903-590-1091 F 903-590-1095
Hon. Sharon Keller (Non-voting)	Court of Criminal Appeals Liaison Term not defined Appointed by Presiding Judge of the Court of Criminal Appeals	Judge, Court of Criminal Appeals	Court of Criminal Appeals PO Box 12308 Austin TX 78711	P 512-463-1590 F 512-463-7061 sharon.keller@ cca.courts.state.tx.us

Please see State Bar Exhibit 4, a map of districts for State Bar director elections.

B. How is the chair of the policymaking body appointed?

Leadership for the State Bar and State Bar Board of Directors is provided two ways. First, the State Bar Act (§81.109) designates State Bar officers: the president, president-elect, and immediate past president. The president-elect is voted on each year by the general membership of the State Bar of Texas. Nomination and election procedures for the president-elect are in State Bar Board of Directors Policy Manual, Section 9.05.

Candidates are selected by the board's nominations committee and introduced each year at the January meeting of the board of directors. The candidates campaign actively across the state during the month of March. Election ballots are mailed April 15 and must be returned by April 30. The attorney elected president-elect has one year to establish goals for his or her term of office, make committee appointments, and serve as chair of the board's budget committee that prepares the budget for the year of his or her presidency.

Leadership for the State Bar Board of Directors is also provided through the chair of the board, who is elected by the board of directors each April and takes office in June of the same year. Candidates must be board members completing their second year of service on the board of directors. The chair's duties include directing the board in developing and implementing policy. The complete process for electing the chair of the board is outlined in Policy Manual, Section 9.01.

C. Describe the primary role and responsibilities of the policymaking body.

The board of directors is responsible for the overall administration and direction of the State Bar of Texas. Duties include: strategic planning and direction; development and implementation of the budget and fiscal policies; establishment of standing and special committees and task forces as needed; determination of certain policies that affect the profession; making appointments to specific entities; administration of all State Bar property; hiring the executive director and general counsel; overseeing the legislative program; conducting referenda of the membership as needed; conducting the annual election for board members and the president-elect; and communicating with State Bar members, related entities, the Supreme Court of Texas, the Texas Legislature, other state agencies, and the public.

Additionally, the board of directors is responsible for certain regulatory and enforcement functions. These responsibilities include: collecting attorneys' dues and maintaining the State Bar membership records on behalf of the Supreme Court of Texas; and regulating attorney compliance with Minimum Continuing Legal Education rules and the Disciplinary Rules regarding attorney advertising. The State Bar Board of Directors also coordinates with other regulatory entities, including the Texas Equal Access to Justice Foundation (which administers the IOLTA program) and the Commission for Lawyer Discipline in Section VI, Guide to Agency Programs.

The Commission for Lawyer Discipline, a committee of the State Bar of Texas, performs oversight, regulation, and enforcement functions for the attorney disciplinary and disability system. The commission's responsibilities are specified in the State Bar Act (Government Code §81.076) and the Texas Rules of Disciplinary Procedure, Part 4. For more information about the structure and duties of the commission, please see State Bar Exhibit 5. For more information about the attorney disciplinary and disability system, please see the program description, "Chief Disciplinary Counsel."

Responsibilities of the State Bar Board of Directors are broadly defined in the State Bar Act (Government Code §81.076), the State Bar Rules (Article IV, Section 1, (D), and the State Bar of Texas Board of Directors' Policy Manual.

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

The State Bar is governed by a board of directors that includes the chair, the immediate past chair, three officers of the State Bar, three officers of the Texas Young Lawyers Association, 30 elected attorneys, six appointed section representatives, four appointed minority members, six appointed public members, four judicial liaisons, and one out-of-state lawyer liaison.

One unique aspect of the State Bar Board of Directors is that oversight of the attorney disciplinary and disability system is statutorily assigned to the Commission for Lawyer Discipline (a State Bar committee), which has delegated administration of the system to the Office of Chief Disciplinary Counsel.

Another unique feature of the State Bar Board of Directors is its dual responsibility to the Texas Legislature and the Supreme Court of Texas. Created by the Legislature and an order of the Supreme Court, oversight of the State Bar of Texas is provided by both governmental entities. This oversight is particularly evidenced by the State Bar's inclusion in the sunset review process by the Legislature and by the State Bar's annual budget, which must be approved by the Supreme Court before it can be implemented.

In addition to performing the functions associated with the board's overall management duties, each board member is responsible for communicating with his or her constituents. Some communications are in person (during local bar association meetings and continuing legal education events); other communications are in writing (via newsletters, correspondence, and e-mail). Each board member is assigned to serve as a liaison to various State Bar committees and sections, which requires attendance at their meetings, ongoing communications, and reporting related issues to the board. Additionally, elected directors nominate attorneys and public members to serve on their district grievance committees.

A final unique characteristic is that the officers of the Texas Young Lawyers Association—the president, president-elect, and immediate past president—are voting members of the State Bar Board of Directors. The Texas Young Lawyers Association (a division of the State Bar of Texas) consists of licensed attorneys who are younger than 36 years of age or who have been practicing law for three years or less.

E. In general, how often does the policymaking body meet? How many times did it meet in FY 2000? in FY 2001?

The board of directors meets four times a year, traditionally in January, April, June, and September. Meeting locations vary to allow State Bar leadership to meet with constituencies throughout the state and are selected by the Bar president. The executive committee of the board meets monthly as needed, occasionally skipping a month. Executive committee meetings are held in Austin, with rare exceptions.

Meetings for the past two fiscal years (June 1 - May 30) were held on the following dates:

FY 2000

Board of Directors: June 10, 1999 (Fort Worth)
September 24, 1999 (Amarillo)
January 21, 2000 (McAllen)
April 28, 2000 (Tyler)

Executive Committee: July 1, 1999 (Conroe); September 10, 1999; November 19, 1999;
January 7, 2000; April 27, 2000

FY 2001

Board of Directors: June 21, 2000 (San Antonio)
September 22, 2000 (Laredo)
January 19, 2001 (Houston)
April 20, 2001 (Austin)

Executive Committee: August 3, 2000 (Irving); September 7, 2000; November 16, 2000;
November 29, 2000; January 4, 2001; March 8, 2001; April 5, 2001;
May 17, 2001

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

A two-day Directors Orientation is held for new board members prior to their taking office. Planned by a board committee and the State Bar staff, the orientation covers a variety of topics, including overviews of board members' responsibilities, agency organization, the State Bar Act, State Bar Rules, board policies, the Open Meetings and Open Records Acts, communications, and fiscal management. Each new board member receives a printed manual, a pictorial directory of the board, and a directory of State Bar volunteers and staff.

A staff member is assigned to the board of directors to provide information and coordination continuously throughout the year. The staff constitutes an ongoing source of orientation and training for all board members.

Additionally, during his or her term on the board, members may attend any State Bar continuing legal education (CLE) event and receive CLE materials at no charge. This helps ensure the ongoing education of board members in legal matters and helps them stay in touch with the membership at the CLE events.

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

Many of the board of directors' and agency staff's respective responsibilities are defined in the State Bar Act (Government Code, Chapter 81):

- C The executive director supervises the administrative staff in the preparation of the annual budget and presides at the public hearing where the proposed budget is presented. After the public hearing, the board of directors reviews and adopts the budget for presentation to the Supreme Court of Texas for final approval (Government Code §81.022);
- C The board of directors hires the executive director, whose responsibilities include execution of the policies and directives of the board, acting as the corporate secretary and treasurer of the State Bar, and maintaining the membership files (Government Code §81.029);
- C The board of directors hires the general counsel, who performs all the duties usually expected of and performed by a general counsel and those duties delegated by the board of directors (Government Code §81.030);
- C The Clerk of the Supreme Court may employ a deputy to assist him in discharging his duties. The State Bar Board of Directors sets the deputy's salary and pays him/her from State Bar funds (Government Code §81.032); and
- C The board of directors is to "develop and implement policies that clearly define the respective responsibilities of the board and the staff of the State Bar" (Government Code §81.020).

One of the primary vehicles for defining respective responsibilities is the State Bar of Texas Board of Directors Policy Manual, which is reviewed periodically by a board committee and State Bar staff. Proposed revisions must be adopted by the entire board before they can be included. The Policy Manual addresses numerous topics related to the administration of the State Bar of Texas and the respective roles of the board of directors and staff. For example, provisions in the Policy Manual include:

- C Board of directors hires the executive director, who is the chief administrative officer of the State Bar. The executive director has "full responsibility for the proper administration of the State Bar office and all its facilities and properties, subject to review only by the board of directors" (Policy Manual, Section 20.02.01);
- C Board of directors also hires the general counsel (Policy Manual, Section 20.02.02);
- C Executive director of the State Bar prepares a proposed budget and submits it for the board's approval (Policy Manual, Section 10.01);
- C Board of directors, Commission for Lawyer Discipline, Chief Disciplinary Counsel staff, and district grievance committees have distinct responsibilities for protecting the public from professional misconduct by attorneys (Policy Manual, Part VIII);
- C Board of directors establishes standing committees upon the recommendation of the president (Policy Manual, Section 6.01.01) and other entities as needed to help serve the objectives of the State Bar (Policy Manual, Section 6.04.01);
- C Executive director coordinates the disaster response team (which is aimed at preventing the unethical solicitation of disaster victims) (Policy Manual, Part VII); and
- C Board of directors prescribes the form used for attorneys petitioning to be a candidate for the board; the executive director reviews the petitions to verify the eligibility of the nominees; and the executive committee determines questions of eligibility of nominees and validity of the petitions (Policy Manual, Section 9.02.02).

A mission statement has been adopted for the State Bar staff. It reads:

The mission of the staff of the State Bar of Texas is to serve our diverse membership and the public in a fiscally and socially responsible manner with programs adopted by the board of directors to enhance the quality, integrity, and understanding of and access to the legal system.

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

In order to make the most efficient use of volunteer time, the State Bar of Texas Board of Directors utilizes subcommittees extensively to accomplish a wide variety of often highly-specialized tasks. Each State Bar board member is required to serve as a member or chair of at least two board committees or subcommittees.

The executive committee and budget committee have predetermined membership as stated in State Bar Board Policy Manual, Sections 4.06.01 and 4.06.02, and set out on the chart below. Membership on other board committees is coordinated by the chair of the board in consultation with the president of the State Bar.

Unless otherwise noted, the basis for all board committees is the State Bar Board Policy Manual, Section 4.06.03, "The Chair of the Board in consultation with the President shall organize the Board into standing and special committees."

Also addressed in the following chart are standing committees of the State Bar and sections of the State Bar. The board of directors is authorized to create committees and sections to carry out the purposes of the State Bar Act (Government Code §81.026). Standing committees are made up of volunteer lawyers appointed by the president of the State Bar. They advise the board in specific policy areas and recommend changes, subject to final approval by the board. Sections represent substantive areas in the practice of law. Membership in sections is on a voluntary basis. Each section is led by a "council" representing the elected leadership of the section. Sections are specifically granted authority under State Bar policy to propose legislation, subject to approval by the board.

State Bar of Texas			
Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/ How members are appointed	Purpose/Duties	Legal Basis for Committee
<i>BOARD OF DIRECTORS COMMITTEES</i>			

Executive Committee	16 full members 3 non-voting members Membership consists of: president, president-elect, immediate past president, chair of the board, immediate past chair of the board, five or six elected members of the board, a minority director, a nonlawyer director, and the president, president-elect, and immediate past president of the Texas Young Lawyers Association. The elected members, minority director, and nonlawyer director are appointed by the president. The executive director, general counsel, and Supreme Court liaison are nonvoting members.	To perform between meetings of the board such functions, consistent with the State Bar Act or State Bar Rules, as the board may assign to it from time to time.	State Bar Board Policy Manual, Section 4.06.01
Administrative Oversight	10 members	Advise and assist the executive director in the administrative operation of the State Bar and assist as directed with other projects having an impact on the internal organization of the State Bar. Review proposals, programs, and services for Texas lawyers.	
Appeals-Grant Review	7 members	Investigate appeals of decisions rendered by governing bodies of State Bar programs. Evaluates grant applications. If a department, committee, or section of the State Bar is seeking a funding grant from another entity, the committee approves or disapproves the application.	
Audit and Finance	11 members	Follow the preparation of the annual budget and report on matters relating to the State Bar's financial condition. Assist in the preparation of a response to the annual state auditor's report.	
Budget	10 members Committee is chaired by president-elect. Membership consists of president, president-elect, the chair of the board, and two or more members of the board appointed by agreement of the president and president-elect	Advise and assist the executive director in preparing the State Bar's annual budget.	State Bar Board Policy Manual, Section 4.06.02
Client Security Fund	7 members	Administers client security fund in accordance with policies adopted by the board.	State Bar Board Policy Manual, Section 5.01

Disciplinary/Disability System Oversight	9 members	Monitor the policies, procedures, and practices of the Chief Disciplinary Counsel's office without violating the confidentiality of the grievance process. Coordinate with the Commission for Lawyer Discipline to ensure successful operation of the discipline/disability system. Facilitate the reporting of CDC to the executive director of the State Bar on administrative matters. Analyze any proposed revisions to State Bar disciplinary procedures and follow the work of the CLD and the Board of Disciplinary Appeals.	
Facilities and Equipment	10 members	Monitor the adequacy of existing facilities and equipment in the Texas Law Center and any leased space outside the Law Center. Consider requests for the purchase of any new equipment or furniture or the acquisition of any new facilities by the State Bar.	
Legal Services	12 members	Provide leadership in implementing the three-year goals for legal services to the poor in Texas, report to the board at regular intervals on that progress, and recommend appropriate amendments to the three-year goals and board policy. Coordinate with the Access to Justice Commission.	
Legislative Policy	9 members Board policy requires that at least 3 of the 9 members be public members	Draft necessary amendments to the State Bar's legislative guidelines. Analyze proposed legislation for guideline compliance and recommend legislation for State Bar endorsement.	State Bar Board Policy Manual, Section 15.02.01
Minority Representation	7 members	Recommend minority board of directors members as described in the Policy Manual. Explore avenues to increase leadership and involvement by women and minorities in State Bar activities.	
New Directors Orientation	7 members	Plan the agenda for and conduct the annual new directors' orientation meeting.	
Nominations and Elections	9 members Committee is chaired by the immediate past chair of the board	Conduct a search for State Bar President-elect nominees. Review guidelines governing the election of president-elect and monitor the campaign for that office. Recommend action regarding violations of the guidelines. Review State Bar districts to determine whether redistricting is necessary, and make other recommendations pertaining to the general elections of the Bar.	
Policy Manual	9 members	Review and prepare revisions, as necessary, to the board's Policy Manual and bring to the board's attention any policies or directives that are contradictory to or inconsistent with existing practices.	
Professional Development	8 members	Review the proposals of the Professional Development Program and the Books and Systems Department on the basis of cost, value, and economic feasibility and their educational benefit to the State Bar in order to maintain proper fiscal responsibility and direction.	

Strategic Planning	10 members	Examine projects and programs of the State Bar to ensure compatibility with the State Bar's strategic plan.
Technology Oversight	8 members	Oversee the State Bar's Business Technology Plan, provide oversight for the Bar's technology-related initiatives and issues, and approve expenditures as authorized by the board.

STANDING COMMITTEES OF THE STATE BAR

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 incoming president. Committees must adhere to all State Bar rules and any recommendations, actions, or projects of a committee must be approved by the board of directors (except for the Commission for Lawyer Discipline). Committee chairs and members are appointed by the incoming president with members generally serving three-year terms. Committees are not allowed to offer or support legislation. The hundreds of hours of volunteer work provided by the members of State Bar standing committees exemplify the strength of a unified bar and the manner in which it enhances the professionalism of its members.

Unless otherwise noted, the legal basis for all standing committees is Government Code §81.026. Board policy on committees, sections, and divisions is described in the Board of Directors Policy Manual, Part VI.

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

Name of Subcommittee or Advisory Committee	Size/Composition/ How members are appointed	Purpose/Duties	Legal Basis for Committee
Administration of Rules of Evidence	25 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.	Government Code §81.026 Also Article VIII, State Bar Rules
Advertising Review	12 members	To concern itself with attorney advertising issues and 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.	
Agricultural Law	24 members	To concern itself with gathering information on the legal aspects of agriculture, evaluating the existing responses of the State Bar to problems of agricultural law, and developing appropriate programs to meet the challenges of agricultural law.	
Bar Journal Board of Editors	16 members	To advise and assist the editor of the <i>Texas Bar Journal</i> with matters of policy, content, and substance.	

Child Abuse and Neglect	26 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; and recommending to the board of directors of the State Bar any necessary legislation in connection with child abuse and neglect.	
Commission for Lawyer Discipline	12 members	The commission is the client body of the Office of the Chief Disciplinary Counsel in all disciplinary actions, as defined by the Texas Rules of Disciplinary Procedure. The commission also reviews the structure, function and effectiveness of the disciplinary and disability procedures.	Government Code §81.076
Continuing Legal Education	27 members	To concern itself with monitoring the continuing legal education 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 the Professional Development Program Department of the State Bar of Texas.	
Council of Chairs	44 members	The chairs of all sections of the State Bar will meet with the President to discuss items of mutual interest and concerns.	
Court Rules	27 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.	
Crime Victims	23 members	To concern itself with the legal problems of victims and witnesses to violent crimes and with possible improvements in the manner in which police and prosecutors deal with victims and witnesses.	
Death Penalty Litigation	24 members	To study the problem of obtaining funding and training for attorneys representing death penalty defendants at pre-trial, trial, on appeal, and in post-conviction proceedings; to collect such data and other information relevant to the representation of those persons, and to develop recommendations for actions by the State Bar of Texas, the Texas Legislature and all other entities that are or should be involved in the provision of competent representation to indigent persons charged with capital offenses.	

Disability Issues	27 members	To study the concerns of Texas lawyers with disabilities, as well as clients and members of the public, and make recommendations to the board of directors of the State Bar of Texas 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.
History and Traditions of the Bar and Historical Preservation	24 members	To concern itself with the preservation of the history of the legal profession in Texas, with the acquisition and collection by the Bar of documents, artifacts and memorabilia, and shall study and make recommendations to the board respecting the appropriate display of acquisitions of such character made to the Bar; in addition, to concern itself with the laws dealing with preservation of historic sites and objects.
Judiciary Relations	27 members	To identify and implement ways for the Bar to assist the federal courts and state courts in addressing problems and challenges facing the judiciary operating in Texas and to increase opportunities for positive interaction between the judiciary and Texas lawyers.
Jury Service	27 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.
Law Focused Education	27 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 shall concern itself with encouraging and supporting the programs of Law Focused Education, Inc.
Law Office Management	24 members	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; and (3) increasing the management knowledge and skills of the members of the Bar.
Laws Relating to Immigration and Nationality	27 members	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 nonenforcement thereof, and make recommendations for any improvements in such laws.

Lawyer Referral and Information Services	27 members	This committee directs the development and practices of the statewide lawyer referral service certification and regulation process. This committee works in cooperation with metropolitan lawyer referral services in facilitating referrals of individuals to attorney members. The committee provides individuals access to legal representation and support services including legal services coordinated by the State Bar of Texas.
Lawyers' Assistance Program	27 members	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.
Legal Aspects of the Arts	21 members	To review and consider the need for making recommendations concerning the laws pertaining to the arts, and to develop continuing education programs on the relationship between the arts and law.
Legal Assistants	23 members	To concern itself with: (1) the gathering of information on the services of legal assistants under the direction and supervision of a licensed attorney; and (2) the evaluation of the development of appropriate policies and programs for use and services provided by legal assistants. The Standing Committee reports to, and acts on behalf of, the State Bar of Texas in the monitoring and oversight of activities of the State Bar's Legal Assistants Division.
Legal Services to the Poor in Civil Matters	27 members	To concern itself with creation and means of implementation of programs, such as legal aid or pro bono efforts, and to assure delivery of legal services to persons who are unable to afford counsel to represent them in civil matters. In addition, shall have oversight responsibilities for the Texas Lawyers Care Project. The composition of the committee shall include members of legal aid, legal services and pro bono programs, including at least two directors from Legal Services Corporation field programs.
Legal Services to the Poor in Criminal Matters	27 members	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.

Local Bar Services	27 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 bar associations and aiding local and specialty bar associations in developing and carrying out worthwhile projects through the Awards of Merit Program.
Minimum Continuing Legal Education	11 members	To administer the program of minimum continuing legal 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.
Opportunities for Minorities in the Profession	23 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.
Professionalism	17 members	To identify factors that influence professionalism and to develop and recommend to the State Bar Board ways to improve professionalism with particular attention to the professional development of new lawyers.
Public Affairs	19 members	To concern itself with expanding public understanding including that of all media, of the roles of the lawyers and of the organized Bar in the administration of justice, of the role of the Supreme Court in control and administration of the Judicial Department of government under the Texas Constitution, and of the roles that the media, the Legislature, the courts and the Bar play in following Constitutional mandates of the First and Sixth Amendments to the United States Constitution.
Real Estate Forms	27 members	To review and update the <i>Legal Form Manual for Real Estate Transactions</i> .
Section Coordination	7 members	To foster the relationship between the State Bar and its sections, to improve communications, to study issues pertaining to relations between the State Bar and its sections, and to make recommendations to the Board concerning sections.
Section Representatives to the Board	6 members	To interact with State Bar Board of Directors to address issues of concern between the Bar and sections.
Texas Disciplinary Rules of Professional Conduct	27 members	To evaluate the Texas Disciplinary Rules of Professional Conduct and make suggestions to the board of directors of the State Bar concerning revisions that may be appropriate.

Texas Real Estate Broker-Lawyer	12 members	To perform duties imposed by the Real Estate License Act, Vernon’s Ann.Civ.St. Article 6573a, Section 16.
Women in the Profession	27 members	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 board of directors of the State Bar for action to address problems identified by the committee.

SPECIAL COMMITTEES OF THE STATE BAR

Special committees 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 are generally created for a set time period and must conform with all rules and regulations established by the board of directors. Special committees may be re-established by board vote each year.

Unless otherwise noted, the legal basis for all special committees is Government Code §81.026. Board policy on committees, sections, and divisions is described in the Board of Directors Policy Manual, Part VI.

Name of Subcommittee or Advisory Committee	Size/Composition/ How members are appointed	Purpose/Duties	Legal Basis for Committee
Annual Meeting	28 members	To concern itself with the planning of the Annual State Bar meeting.	
Pattern Jury Charges - Business, Consumer, and Employment	21 members	To prepare and periodically revise pattern jury charges for common law and statutory claims encountered in consumer insurance, business, commercial, and employment litigation.	
Pattern Jury Charges - Civil	12 members	To act as an oversight and coordinating committee for Business & Consumer, Family, General Negligence & Motor Vehicles and Malpractice, Premises & Products Committee (formerly PJC. I, III, IV and V Committees), and to concern itself with the study and formulation of the form of charges submitted on civil cases for publication through the Books and Systems Department.	
Pattern Jury Charges - Family	17 members	To monitor statutory and case law developments in family law and prepare supplementation as needed for Pattern Jury Charges - Family.	
Pattern Jury Charges - General Negligence & Motor Vehicles	18 members	To monitor statutory and case law developments in the subject matter of this PJC volume and prepare supplementation as needed.	
Pattern Jury Charges - Malpractice, Premises, and Products	16 members	To monitor statutory and case law developments in the subject matters of this PJC volume and prepare supplementation as needed for Pattern Jury Charges - Malpractice, Premises & Products.	

Technology Advisory Committee	10 members	The Technology Advisory Committee, which is comprised of board and non-board members, investigates, evaluates, and makes recommendations to the board and the executive director concerning the use and implementation of technology by the State Bar.
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SECTIONS OF THE STATE BAR

Sections are composed of lawyers who practice in specialized fields of law or who otherwise have common professional interests. Sections are created by the board of directors and must comply with State Bar rules and regulations. Unlike committees, sections establish bylaws and collect voluntary membership dues and then govern the expenditure of that dues income. (While sections are not funded by general revenue funds, they are subject to Bar financial compliance rules.) Sections may suggest and support legislation, if approved by the board of directors.

The Council of Chairs, the Section Coordination Committee, and the Section Representatives to the Board Committee were all created to ensure and enhance communication between State Bar leadership and the sections. Because nearly half of Texas attorneys participate in the Bar through sections, it is important for the Bar to seek input from sections on projects, proposals, and appointments. The opportunity for sections to organize under substantive areas of law and professional interests promotes the professionalism of Bar members by creating forums for specialization and law improvement.

Each section is governed by an elected council of leaders, usually consisting of a chair, vice chair, secretary, treasurer, and chair-elect. The Council of Chairs consists of the chair of each section and meets quarterly to preview and discuss State Bar Board of Directors actions of interest, as well as other issues concerning the sections in general.

The middle column on the following chart includes the number of members on each section's council for FY 2001, as well as each section's membership for FY 2001.

Unless otherwise noted, the legal basis for all sections is Government Code §81.026. Board policy on committees, sections, and divisions is described in the Board of Directors Policy Manual, Part VI

Name of Subcommittee or Advisory Committee	Size/Composition/ How members are appointed	Purpose/Duties	Legal Basis for Committee
Administrative and Public Law	13 on council 1,770 total members	Enhances the roles and skills of attorneys employed by, or practicing law before state agencies, instrumentalities, or bodies. Publishes newsletter; sponsors institutes.	
African-American Lawyers	14 on council 372 total members	Promotes the inclusion objectives of the State Bar of Texas as they relate to African-American attorneys, both in the profession and within the State Bar.	
Alternative Dispute Resolution	17 on council 1,465 total members	Concerns itself with studying proposals for alternative, simplified methods of dispute resolution.	
American Indian Law	12 on council 150 total members	Advocates the common professional interest of Native American lawyers and those having an interest in Native American law in Texas. In addition, the section seeks to promote Native American issues on both public and private forums throughout the state of Texas.	

Animal Law	11 on council 321 total members	Promotes and assists attorneys in the study of laws, regulations, and court decisions dealing with legal issues involving animals, and to promote a forum for attorneys to consider and discuss legal issues involved in human beings' coexistence with animals. It is not the purpose of the section to promote moral or ethical issues involving animal rights.
Antitrust/Business Litigation	17 on council 1,358 total members	Promotes the objectives of the State Bar in the field of antitrust and trade regulation. Publishes quarterly newsletter; sponsors institutes.
Appellate	15 on council 1,641 total members	Enhances the roles and skills of attorneys who are engaged in appellate practice through study, continuing legal education, and the dissemination of materials on matters of interest and concern to the membership.
Asian Pacific Islander Interest	9 on council 156 total members	Advocates the common professional interest 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. Promotes business relations and trade with Asian clients.
Aviation Law	11 on council 272 total members	Promotes the objectives of the State Bar of Texas and the interest of its members concerning all phases of aviation and space law, to monitor and study aviation legal issues, and to comment and make recommendations.
Business Law	14 on council 4,116 total members	Covers the complex and expanding fields of corporate, securities, commercial, banking and bankruptcy law. Publishes quarterly newsletter; sponsors institutes; distributes other publications.
Computer Section	10 on council 1,266 total members	Educates and involves the legal profession about/in the use of laws applicable to computer and information technology.
Construction Law	13 on council 1,250 total members	Promotes the objectives of the State Bar of Texas within the field of construction.
Consumer Law	21 on council 1,665 total members	Studies and reports on the volume of law related to consumer litigation and consumer rights and protection. Publishes quarterly newsletter, <i>Journal of Texas Consumer Law</i> ; sponsors institutes.
Corporate Counsel	10 on council 3,077 total members	Provides a forum for presentation of educational projects and discussion of problems common to lawyers primarily engaged in representing corporations. Publishes quarterly newsletter; sponsors institutes.
Criminal Justice	14 on council 1,877 total members	Concerns itself with law enforcement and substantive and procedural criminal law. Sponsors annual institutes at the State Bar Annual Meeting and throughout the year; publishes newsletter.

Entertainment and Sports Law	11 on council 513 total members	Shall concern itself with gathering information on the legal aspects of entertainment and sports law, evaluating the existing responses of the State Bar to problems of entertainment and sports law, and developing appropriate programs to meet the present and future challenges of entertainment and sports law.
Environmental and Natural Resources	15 on council 1,504 total members	Promotes the objectives of the State Bar within the area of gathering, improving, and distributing a more thorough and greater knowledge of the rapidly developing law of environmental management, control, and enhancement. Publishes newsletter; sponsors institutes.
Family Law	29 on council 3,991 total members	Studies administration of justice in the field of family law; sponsors continuing legal education programs, distributes findings through quarterly newsletter and other educational materials.
General Practice, Solo, and Small Firm	19 on council 2,192 total members	Enhances the roles and skills of the general practitioner through publications, meetings, seminars and committees. Publishes semi-annual newsletter; sponsors institutes.
Government Lawyers	15 on council 712 total members	To enhance the roles and skills of lawyers who are employed by federal, state, and local governments and are concerned with providing services to the public generally rather than to a single client.
Health Law	13 on council 1,469 total members	Concentrates on legal problems and interdependent relationships of providers and recipients of health care, and the parties financially responsible for such matters. Publishes quarterly newsletter.
Hispanic Issues	12 on council 362 total members	Studies and reports on laws, decisions, and governmental regulations affecting the need of the Spanish-speaking community of Texas and provides a common meeting ground and forum for members of the profession. Publishes newsletter.
Individual Rights and Responsibilities	9 on council 233 total members	Discussion and education of fundamental rights and individual liberties guaranteed by the Constitution and the roles of the lawyer in resisting erosion of individual rights and liberties.
Insurance Law	11 on council 1,240 total members	To have a bi-partisan focus, balancing the interest of both policy holder and lawyers and insurance company lawyers.
Intellectual Property Law	11 on council 1,962 total members	Concerned with the statutes, common law, and provisions of international treaties governing international property rights. Members are involved in the analysis and consideration of various legislative proposals and federal patent, trademark, and copyright policy. Publishes newsletter, sponsors institutes.
International Law	17 on council 1,079 total members	Provides information to section members on all prospects of international law, focusing on private international law and intellectual business transactions. Conducts educational programs; sponsors institutes.
James C. Watson Inn	15 on council 131 total members	Membership is open only to former officers and directors of the State Bar. Promotes the objectives of the State Bar.

Judicial	14 on board of directors 1,091 total members	Promotes the objectives of the State Bar of Texas within the particular field designated by the name of the section, and to that end to take such action as may be appropriate thereto subject to the bylaws of this section, the constitution, and the bylaws of the State Bar of Texas.
Justice of the Peace	1 on council 95 total members	Provides a forum for the interchange of matters of legal importance 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 justice of the peace courts.
Juvenile Law	14 on council 726 total members	Promotes and improves the administration of justice in the field of juvenile law by study, conferences, publication of reports and articles with respect to both legislation and administration and to that end to take such action as may be appropriate.
Labor and Employment Law	14 on council 3,135 total members	Studies and reports on laws, decisions and governmental regulations affecting labor relations, and defines responsibilities of labor and industry. Publishes semi-annual newsletter; sponsors institutes.
Litigation	19 on council 8,161 total members	Addresses itself to the interests and opinions of the trial practitioner who concentrates on general civil litigation without limitation to a substantive area. Publishes quarterly newsletter, <i>The Advocate</i> .
Military Law	10 on council 235 total members	Acts as liaison between the Armed Forces and the attorneys of Texas in order to better serve the legal needs of members of the Armed Forces. Publishes annual report; sponsors institutes.
Municipal Judges	13 on council 310 total members	Promotes legal and professional activities affecting municipal and corporation courts; promotes interchange of ideas among other courts of limited jurisdiction. Sponsors institutes.
Oil, Gas, And Energy Resources	15 on council 2,146 total members	Deals with legal aspects of oil, gas, and mineral law. Its objectives are to monitor and keep its members informed of developing trends, current court decisions, and statutes. Publishes a quarterly newsletter; sponsors institutes.
Public Utility Law	6 on council 477 total members	Studies and reports on laws, decisions, governmental regulations, and proposed legislation affecting public utilities; proposes appropriate new legislation in the area. Publishes newsletter semi-annually.
Real Estate, Probate, and Trust	16 on council 6,724 total members	Promotes the objectives of the State Bar within the field of real estate, probate, and trust law. Publishes quarterly newsletter; sponsors institutes.
School Law	11 on council 659 total members	Gathers, improves and analyzes laws as related to public and private schools with similar committees and sections nationwide. Participates in conducting seminars.
Sexual Orientation and Gender Identification Issues	9 on council 289 total members	To promote and study the laws pertaining to gays, lesbians, bisexuals, and transgendered identified persons as well as persons living with HIV.

Taxation Law	14 on council 1,760 total members	Deals with federal and state tax matters. Sponsors liaison meetings with federal and state taxing officials. Reviews and comments upon governmental regulations and proposed legislation. Publishes quarterly newsletter; sponsors institutes.	
Women and the Law	13 on council 576 total members	Encourages and facilitates active and effective participation of women in the legal profession and community; addresses the current needs of and issues affecting women.	
<i>DIVISIONS OF THE STATE BAR</i>			
State Bar Board Policy Manual, Section 6.03, Nonlawyer Divisions, allows 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 members are appointed	Purpose/Duties	Legal Basis for Committee
Law Student Division	9 on council 935 total members	Enhances law students' participation in the administration of justice, professional responsibility, and public service in cooperation with the Texas Young Lawyers Association and the State Bar.	
Legal Administrators Division	1 on council 68 total members	The purposes of the division shall be those specified in the bylaws of the national association and the bylaws of the State Bar.	
Legal Assistants Division	19 on council 2,001 total members	Enhances legal assistants' participation in the administration of justice, professional responsibility, and public service in cooperation with the State Bar.	

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

Meetings of the State Bar Board of Directors are subject to the Open Meetings Act, as stipulated by Government Code §81.021. As such, all board of directors meetings and all executive committee meetings are open to the public. Each meeting's agenda is posted with the secretary of state one week before the meeting. There are also six voting members of the board of directors who are non-lawyers and provide input to the board on the public's behalf. Government Code §81.022 requires that the board of directors develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board. In compliance with this law, State Bar Board Policy Manual, Section 4.07.01(B) states that "the general public shall be allowed a reasonable opportunity to appear before the board at each board meeting and to speak on any issue under the jurisdiction of the board. Public presentations before the board will be limited to five minutes."

Additionally, a hearing to allow public comment on the State Bar budget is held each spring. Historically, the Bar has conducted a series of public hearings on issues of great importance to the legal profession and the public, for example multidisciplinary practice, legal services to the poor, and mandatory pro bono.

IV. Funding

A. Describe the agency’s process for determining budgetary needs and priorities.

The State Bar’s annual budget process incorporates a variety of factors to determine budgetary needs and priorities:

- C Budgetary priorities are identified and evaluated by the Bar’s policymakers, including the Supreme Court and officers of the State Bar Board of Directors.
- C Based on these priorities, leadership determines overall annual expense targets by reviewing revenue projections, the five year financial plan, and the available financial reserves.
- C The budget process starts at the departmental level with each department reviewing current programs, formulating a needs analysis of current and future programs, and developing a budget request based on those needs. Further, each division and department must justify its operations in terms of providing services that advance the purposes of the State Bar.
- C When the proposed budget for the entire agency is completed, it is received by the executive director for further development, review, and analysis. It is then forwarded for review, analysis, and initial approval by the budget committee and executive committee, as well as by the full board.
- C The budget then undergoes the final phases of review—including a public hearing, adoption by the board of directors, and approval by the Supreme Court. After adoption, the budget may be amended only by the board of directors subject to the approval of the Supreme Court.

Please see State Bar Exhibit 6 for the State Bar’s Statement of Revenues and Expenditures for FY 2000.

PLEASE FILL IN EACH OF THE CHARTS BELOW, USING EXACT DOLLAR AMOUNTS.

B. Show the agency’s sources of revenue. Please include all local, state, and federal sources.

State Bar of Texas Exhibit 5: Sources of Revenue — Fiscal Year 2000 (Actual) ¹	
Source	Amount
Membership dues and related fees	\$15,186,695
Sales of goods and services	1,445,620

¹The State Bar fiscal year runs from June 1 through May 31.

Continuing legal education seminars, courses, and exams	5,718,725
Public affairs - <i>Texas Bar Journal</i>	1,109,369
Management and accounting fees	403,308
Interest	1,005,246
Rental income - office space	29,128
Mandatory continuing legal education fees	816,025
Royalty income	243,897
Grants	319,320
Other	1,575,098
Sections (Section revenues are used <i>only</i> for section expenditures.)	\$1,761,640
TOTAL	\$29,614,071

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

The State Bar does not receive any federal funding.

State Bar of Texas Exhibit 6: Federal Funds — Fiscal Year 2000 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A
TOTAL		\$0	\$0	\$0

D. Show the 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 money directly to strategy. The description of expenditures by program in Question E provides information similar to expenditures by strategy.

State Bar of Texas Exhibit 7: Expenditures by Strategy — Fiscal Year 2000 (Actual)	
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Goal/Strategy	Amount
N/A	N/A
N/A	N/A
GRAND TOTAL:	N/A

E. Show the agency’s expenditures and FTEs by program.

The State Bar of Texas does not receive any state or federal government funding.

For a breakdown of which departments and functions constitute the core competencies and support activities listed below, please see Section VI, Guide to Agency Programs.

State Bar of Texas					
Exhibit 8: Expenditures and FTEs by Program — Fiscal Year 2000 (Actual)					
Program	Budgeted FTEs, FY 2000	Actual FTEs as of August 31, 2000	Federal Funds Expended	State Funds Expended	Total Actual Expenditures
Professionalism	82	72.5	N/A	N/A	\$12,783,045
Public Protection	162.875	149.5	N/A	N/A	\$9,039,806
Public Service ²	20.75	19.75	N/A	N/A	\$2,086,294
Executive Office	12.25	7.25	N/A	N/A	\$639,400
Operations	36.5	36.5	N/A	N/A	\$3,634,672
TOTAL	314.375	285.5	N/A	N/A	\$28,183,217

² The public service program category does not include FTE and expenditure information for the Texas Bar Foundation and the Texas Equal Access to Justice Foundation. Although these are affiliated entities and often work in conjunction with State Bar programs, both organizations are separate entities with their own boards and non-profit status. These two organizations do provide information to the State Bar, including funding and administration details. For FY 2000, the Texas Bar Foundation had two employees and spent \$188,859 in supporting services with net assets of \$13,247,069. For FY 2000, the Texas Equal Access to Justice Foundation had five employees with an operating budget of \$687,551, Interest on Lawyers’ Trust Accounts (IOLTA) revenue of \$6,835,000, and approximately \$5 million in grants administered.

F. If applicable, please provide information on fees collected by the agency.

State Bar of Texas				
Exhibit 9: Fee Revenue and Statutory Fee Levels — Fiscal Year 2000				
Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
<i>Membership Dues</i> ³ Government Code §81.054	Fees are: \$50 \$68 \$148 \$235	72,257	\$13,446,830	First deposited into the Clerk of the Supreme Court Account then transferred into the General Revenue Fund of the State Bar
<i>Prorated Membership Dues</i> ⁴ Government Code §81.054	Fees are: \$25 \$34 \$74 \$117.50	335	\$19,850.50	First deposited into the Clerk of the Supreme Court Account then transferred into the General Revenue Fund of the State Bar
<i>Texas Occupation Tax</i> ⁵ Tax Code, §191.142	\$16.67/ month or \$200/year	64,654	\$10,053,258	Collected by the State Bar and transferred to the State of Texas General Revenue Fund
<i>Advertising Review</i> Application fee for ad materials Non-filer late fee	\$50/ad \$200/ad	2,688 55	\$145,400	General Revenue Fund of the State Bar
<i>Minimum Continuing Legal Education</i>				
Non-compliance fee	\$50/month	5,336	\$266,795	General Revenue Fund of the State Bar
Reinstatement Fee	\$300	257	\$77,050	General Revenue Fund of the State Bar
Member accreditation fee	\$15	3,895	\$58,420	General Revenue Fund of the State Bar

³State Bar Act, Government Code §81.054 (in accordance with §81.024) sets the procedure for adjusting the dues structure and for dues increases. Dues vary depending upon how many years an attorney has been practicing law and whether an attorney has active or inactive membership status. The maximum fee is \$235 per year. Dues are set out in Policy Manual, Part XXXII, Section A.

⁴Pro-rated membership dues apply to newly licensed attorneys joining the State Bar who are licensed on or after December 1st. The dues are prorated to one-half the regular dues amount.

⁵Yearly fee may be prorated on a monthly basis.

Sponsor course accreditation fee	\$25 minimum \$10/hour or \$5/atty	1,253 sponsors paid fees on 7,091 courses	\$286,129	General Revenue Fund of the State Bar
Sponsor late filing fee	\$50	640 sponsors paid fees on 2751 courses ⁶	\$126,155	General Revenue Fund of the State Bar

Texas Board of Legal Specialization (TBLS)

TBLS charges and collects fees for attorney and legal assistant certification in specialized areas of law. TBLS was created by the Supreme Court, has its own board of directors, and sets its own fees. For more information about TBLS, please see the program description entitled "Texas Board of Legal Specialization" in Section VI, Guide to Agency Programs.

G. Please fill in the following chart.

The State Bar Act (in Government Code §81.0151) requires the board of directors to adopt guidelines and procedures for purchasing that are consistent with the guidelines in Chapters 2155 through 2158, Government Code. The board has adopted such purchasing rules and procedures in Board Policy Manual, Section 10.07. 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 below is a breakdown of expenditures by category.

State Bar of Texas				
Exhibit 10: Purchases from HUBs ⁷				
FISCAL YEAR 1998				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0	N/A	N/A	11.9%
Building Construction	\$18,263	N/A	N/A	26.1%
Special Trade	\$342,366.10	N/A	N/A	57.2%
Professional Services	\$0	N/A	N/A	20.0%
Other Services	\$96,963.38	N/A	N/A	33.0%
Commodities	\$1,475,499.72	N/A	N/A	12.6%
TOTAL	\$1,933,092.20	N/A	N/A	

⁶Includes 80 partial payments of the late filing fee, and two refunds.

⁷Amounts in this chart only reflect expenditures for the HUB categories listed as they are defined in the statute and rules. This chart does not include *all* State Bar expenditures.

FISCAL YEAR 1999				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0	N/A	N/A	11.9%
Building Construction	\$48,042	N/A	N/A	26.1%
Special Trade	\$372,632.51	N/A	N/A	57.2%
Professional Services	\$8,992.41	N/A	N/A	20.0%
Other Services	\$94,609.71	N/A	N/A	33.0%
Commodities	\$1,694,885.40	N/A	N/A	12.6%
TOTAL	\$2,219,162.03	N/A	N/A	
FISCAL YEAR 2000				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0	N/A	N/A	11.9%
Building Construction	\$161,701.55	N/A	N/A	26.1%
Special Trade	\$183,378.53	N/A	N/A	57.2%
Professional Services	\$16,648.52	N/A	N/A	20.0%
Other Services	\$102,201.14	N/A	N/A	33.0%
Commodities	\$1,460,985.80	N/A	N/A	12.6%
TOTAL	\$1,924,915.54	N/A	N/A	

H. Does the agency have a HUB policy? How does the agency address performance shortfalls related to the policy?

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 have been requested to submit proposals. As an example, in November 2000 the State Bar switched office supply vendors to Convenience Office Supply, which is a HUB.

V. Organization

A. Please fill in the chart below. If applicable, list field or regional offices.

State Bar of Texas Exhibit 11: FTEs by Location — Fiscal Year 2000			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2000	Number of Actual FTEs as of August 31, 2000
Texas Law Center	Austin	189.125	176.75
Texas Board of Legal Specialization	Austin	10	9
Chief Disciplinary Counsel	Austin	27	25
Chief Disciplinary Counsel	Dallas Region	17	14
Chief Disciplinary Counsel	Houston Region	33	31
Chief Disciplinary Counsel	Fort Worth Region	14	12
Chief Disciplinary Counsel	San Antonio Region	13	13
Chief Disciplinary Counsel	Corpus Christi Field Office	2	2
Chief Disciplinary Counsel	El Paso Field Office	2	2
Chief Disciplinary Counsel	Harlingen Field Office	2	2
Chief Disciplinary Counsel	Midland Field Office	2	2
Chief Disciplinary Counsel	Tyler Field Office	3	3
TOTAL		314.125	291.75

B. What was the agency’s FTE cap for FY 2000?

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

C. How many temporary or contract employees did the agency have as of August 31, 2000?

In the State Bar fiscal year June 1999 through May 2000, the State Bar had 11.45 temporary employees and 3.54 consultants.

D. Please fill in the chart below.

State Bar of Texas							
Exhibit 12: Equal Employment Opportunity Statistics							
FISCAL YEAR 1998							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	54	6%	5%	13%	8%	70%	26%
Professional	77	5%	7%	13%	7%	55%	44%
Technical	5	0%	13%	20%	14%	20%	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	17	24%	25%	18%	30%	71%	55%
Administrative Support	139	11%	16%	35%	17%	85%	84%
Skilled Craft	N/A	N/A	11%	N/A	20%	N/A	8%
Service/Maintenance	11	0%	19%	64%	32%	27%	27%

**State Bar of Texas
Exhibit 12: Equal Employment Opportunity Statistics (cont.)**

FISCAL YEAR 1999							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	48	6%	5%	10%	8%	75%	26%
Professional	71	8%	7%	7%	7%	55%	44%
Technical	3	0%	13%	0%	14%	33%	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	14	14%	25%	21%	30%	71%	55%
Administrative Support	136	12%	16%	34%	17%	87%	84%
Skilled Craft	N/A	N/A	11%	N/A	20%	N/A	8%
Service/Maintenance	6	0%	19%	50%	32%	17%	27%
FISCAL YEAR 2000							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	49	4%	5%	10%	8%	76%	26%
Professional	78	5%	7%	12%	7%	51%	44%
Technical	4	0%	13%	0%	14%	25%	41%
Protective Services	N/A	N/A	13%	N/A	18%	N/A	15%
Para-Professionals	16	19%	25%	6%	30%	75%	55%
Administrative Support	127	15%	16%	32%	17%	82%	84%
Skilled Craft	N/A	N/A	11%	N/A	20%	N/A	8%
Service/Maintenance	3	0%	19%	33%	32%	33%	27%

E. Does the agency have an equal employment opportunity policy? How does the agency address performance shortfalls related to the policy?

The State Bar has an equal employment opportunity policy. As part of the ongoing recruitment process, the State Bar makes a concerted effort through the Minority Affairs Department and minority board members to recruit minority attorneys and staff. Also, for non-professional positions, the State Bar contacts community-based organizations such as the Private Industry Council and Urban League. In addition, all positions are posted with the Texas Workforce Commission.

As for shortfalls, the State Bar has small discrepancies which could likely be attributed to the relatively small size of the agency. The smaller the comparative sample of the overall population, the less likely it is that variances from population averages or norms are statistically significant. In that light, the State Bar's workforce has been and continues to be diverse and representative of the relevant labor market.

In its entirety, the State Bar Equal Employment Opportunity Policy states:

The State Bar of Texas provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age or disability. In addition, the State Bar of Texas complies with applicable federal, state and local laws governing non-discrimination in employment in every location in which the organization has facilities. This policy applies to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, termination, lay off, transfer, leaves of absence, benefits, compensation and training.

The Director of Human Resources has been designated as the Americans with Disabilities Act (ADA) coordinator in compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice regulations. The State Bar of Texas does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, is available from the ADA coordinator.

Additionally, the State Bar Board of Directors has adopted a non-discrimination policy (Policy Manual, Section 20.01.01). It reads:

It is the policy of the State Bar to comply 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. No person shall be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, termination, or performance review or any other employment action or term or condition of employment on the grounds of race, religion, color, national origin, sex, disability, military service/veteran status, sexual orientation, or age.

VI. Guide to Agency Programs

CORE COMPETENCIES OF THE STATE BAR OF TEXAS

For illustrative purposes in the Guide to Agency Programs, the functions of the State Bar have been divided into three core competencies: professionalism, public protection, and public service. These core competencies are supported by the Executive Office and other departments providing operational assistance (Operations). Therefore, the State Bar's program descriptions are divided into five sections:

- C Professionalism
- C Public Protection
- C Public Service
- C Executive Office
- C Operations

While some departments and functions are likely to overlap into more than one core competency, delineation into these five areas is intended to help demonstrate how the vast array of Bar programs has a united purpose. The core competencies interact as part of a greater whole to assure access to the legal system and to improve delivery of legal services to the public.

Listed below is a brief description of the primary purpose of programs organized within the three core competencies and the two support areas:

PROFESSIONALISM

- C Electing practicing attorneys to serve on the board of directors, thus providing self-governing leadership and enhanced representation of the legal profession
- C Having public and minority members appointed to the board of directors to ensure diverse and responsive representation in Bar leadership
- C Organizing and supporting sections, committees, and divisions to further knowledge about the law
- C Assisting local bar associations
- C Planning an annual meeting of the Bar membership
- C Increasing involvement of and opportunities for minority attorneys
- C Offering premier continuing legal education courses
- C Publishing materials designed to help provide informed and efficient client service
- C Assisting solo and small firm practitioners with law office management support
- C Disseminating legal information and resources for Texas lawyers and the public

(CONTINUED ON NEXT PAGE)

PUBLIC PROTECTION

- C Administering the attorney disciplinary and disability system in accordance with the Texas Rules of Disciplinary Procedure
- C Assisting the public in resolving disputes with lawyers in matters that do not involve misconduct or unethical behavior
- C Providing for identification, peer intervention, and rehabilitation of licensed attorneys whose professional performance is impaired because of physical or mental illness or substance abuse
- C Addressing attorney professionalism issues on an individual basis through peer counseling, mentoring, monitoring, and education
- C Providing monetary relief to clients who have suffered financial loss at the hands of dishonest lawyers
- C Maintaining membership data of all licensed attorneys and collecting attorney dues
- C Requiring each licensed attorney to complete 15 hours of continuing legal education each year (including three hours on ethics topics)
- C Managing the review process for lawyer advertising and disseminating information to lawyers and the public about the rules of lawyer advertising

PUBLIC SERVICE

- C Maintaining the historical records and archives of the legal profession in Texas
- C Helping educators, students, and citizens understand and appreciate the legal system
- C Coordinating lawyer referral services for unserved areas and certifying legitimate referral services
- C Assisting groups in the development and expansion of pro bono projects and providing support to staff-based programs that provide free legal services to the low income people
- C Coordinating a 20,000 member Texas Young Lawyers Association membership to serve as the public service arm of the State Bar of Texas
- C Administering the mandatory Interest on Lawyers' Trust Accounts (IOLTA) program and disbursing grant funds to legal services to the poor programs
- C Soliciting charitable contributions and providing funding to enhance the rule of law and the system of justice in Texas

EXECUTIVE OFFICE

- C Providing staff leadership through the offices of the executive director, chief operating officer, and external affairs officer
- C Serving as chief legal counsel for the Bar
- C Serving as liaison to the Texas Legislature and other governmental entities, and coordinating the State Bar's legislative package

OPERATIONS

- C Providing computer support
- C Providing accounting services
- C Providing human resources administration
- C Providing mail center, copy center, telephones, purchasing, and building operations services

I. PROFESSIONALISM

Professionalism is the key component without which public protection and public service would not be possible. All purposes listed in the State Bar Act are served by professionalism initiatives.

The following programs are described in this section:

- C *Governance Division* (addressed in one program description) includes Board of Directors, Special Projects, Annual Meeting, Local Bar Services, and Minority Affairs
- C *Sections and Committees*
- C *Divisions*

Professional Development Division (functions addressed separately):

- C *TexasBarCLE*
- C *Video*
- C *Books and Systems*
- C *State Bar College*
- C *Law Office Management*
- C *Communications Division* (addressed in one program description) includes *Texas Bar Journal*, Graphics, Communications, MyTexasBar, Web Site, and Research and Analysis

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Governance Division
Location/Division	Texas Law Center
Contact Name	Patricia H. Hiller, Governance Division Director
Number of Budgeted FTEs, FY 2000	11
Number of Actual FTEs as of August 31, 2000	10.75

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Departments within the Governance Division:

Annual Meeting/Local Bar Services/Law Student Division

Minority Affairs

Board of Directors

Special Projects

Sections

Committees

(Sections and Committees are discussed in the following program description.)

The Governance Division primarily focuses on volunteer coordination and assistance.

- C State Bar directors are volunteers who are elected from geographic districts based on lawyer population.
- C Committee members are volunteers who agree to contribute time and expertise for three-year terms.
- C Sections are made up of attorneys who voluntarily pay nominal dues to align themselves within specialized substantive areas of law.
- C The State Bar works with lawyers throughout the state and depends on its good relationship with local bar associations to develop initiatives and communications efforts for the good of the profession.
- C The annual meeting centers around continuing legal education, professionalism, and changing terms of leadership.

The Officers and Directors Department serves as the administrative, budgetary, and support function of the board of directors. It serves as the board's liaison to other departments and Bar-related entities and is responsible for coordinating board and executive committee meetings (including compliance with the Open Meetings Act), elections, presidential appointments, and awards.

The Special Projects Department coordinates State Bar Board meetings, New Directors Orientation, New Lawyers Induction ceremonies, Texas Supreme Court and Texas Court of Criminal Appeal receptions, and other special events.

The Annual Meeting Department coordinates all plans for the Bar's annual meeting, which is rotated to major cities throughout the state. Major components are 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/divisions and elections of their new officers, and many continuing education opportunities.

The Office of Minority Affairs serves minority and women organizations, enhances employment opportunities for minority and women attorneys, and strives to heighten involvement by minorities and women throughout the State Bar. Examples of key services and functions of this program include the Texas Minority Counsel Program, Local Bar Outreach, and staffing and support for two State Bar committees.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

While the Governance Division was created in 1998 and restructured in 2001, the administrative functions of leadership and volunteer support have existed since the State Bar was created. As new regulations have applied to open meetings and the State Bar Policy Manual has evolved, the functions

have continued to grow to meet the needs of an evolving organization. The State Bar annual meeting has existed in some form since the first voluntary Texas Bar Association was formed in 1882. However, until the 1970s the annual meeting was organized by local bar associations. State Bar Board Policy Manual, Section 2.01, stipulates the holding of an annual meeting in June or July. The Minority Affairs Program was created in 1991. The program serves minorities and women bar associations in Texas, and works to enhance employment and economic opportunities for minority and women attorneys.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

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.

The Governance Division functions will continue to play an important role in the State Bar of Texas regardless of the name of the division or the departments. Administrative support of leadership and volunteers is one of the key components of the organization outside the discipline function.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Governance Division serves the State Bar leadership and thus the lawyers of Texas. The division supports the work of officers and directors in meeting the mission of the State Bar of Texas. Policy is established by volunteer leaders. Volunteer committees create public and professional service projects. The annual meeting provides a venue to change officers and promote professionalism and collegiality. Staff support carries forward the directives of these entities and provides continuity by ensuring that regulations and policies are passed on to new volunteers and followed by those in leadership. The Minority Affairs Department helps the Bar reflect the public it serves.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The State Bar year runs from June 1 to May 31. The division works with volunteers to establish a calendar each year, communicate that calendar with staff and the public, and ensure that all meeting notices, etc., comply with all rules and regulations. Certain events happen at designated times of the year: quarterly board meetings, new directors orientation, elections, annual meeting, and council of chairs. The Governance Division is critical to ensuring that the calendar is in place, adopted by the board, and maintained. The division director oversees the various departments within the division within that context. Department staff works closely with a variety of volunteers and other Bar entities throughout the state.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Officers and Directors program communicates with other governmental units regarding board and executive committee meetings including the secretary of state and the Supreme Court of Texas. The department communicates with judicial liaisons when necessary, which include the Supreme Court, Court of Criminal Appeals, federal judiciary, and Judicial Section liaison. The State Bar president also appoints, upon approval of the board, members to State Bar related entities.

H. Identify all funding sources and amounts for the program, 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 Board of Directors, Special Projects, and Local Bar Services Departments are funded by the State Bar's General Fund.

The State Bar of Texas Annual Meeting is funded through registration fees and sponsorships.

The Office of Minority Affairs is funded through a combination of State Bar funds and sponsorships (for special programs).

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current funding resources are appropriate to achieve the division's goals and objectives.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

No other programs replicate the work of the annual meeting or directors/special projects programs of the State Bar of Texas. Many local bar associations and specialty bars have minority outreach programs.

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

The Minority Affairs and Local Bar Services Departments coordinate efforts to avoid duplication.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Sections and Committees
Location/Division	Texas Law Center, Suite 306
Contact Name	Kathy Casarez, Sections Director
Number of Budgeted FTEs, FY 2000	2.75
Number of Actual FTEs as of August 31, 2000	2.75

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Unlike most state agencies that rely on state officials and paid staff to conduct their business, the State Bar of Texas is guided and propelled by its vast network of volunteers. The State Bar staff, which assists in carrying out the decisions the volunteers make and the directions the volunteers set, is 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 and sections, which comprise the heart of the organization's volunteer structure.

Committees

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. 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*

Three 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. The Lawyer Referral and Information Services Committee certifies and regulates lawyer referral services throughout the state. Monitoring attorney compliance with standards for their 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 and makes suggestions for revisions to the State Bar Board of Directors.

C *Service to the Profession*

Many committees are designed to help enhance the skills and professionalism of State Bar members. Included in this group are the Continuing Legal Education Committee, which works with the staff in the Texas Bar CLE program to offer a variety of continuing education opportunities for attorneys; the Law Office Management Committee, which develops programs, publications, and other resources designed to increase the management knowledge and skills of State Bar members; and the Professionalism Committee whose purpose is to “identify factors that influence professionalism and to develop and recommend to the State Bar Board ways to improve professionalism...”

C *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 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’ understandings of our Founding Documents and individual rights, and the Crime Victims Committee, which studies legal problems of victims and witnesses to violent crimes and makes recommendations for possible improvements in the ways police and prosecutors deal with them.

Sections

Sections comprise another major group of volunteers in the State Bar. There are two types of sections: those that are related to specific areas of the law (such as Business Law, Appellate Law, and Health Law) and those that are involved in particular interests and associational areas of law (such as Hispanic Issues and Sexual Orientation and Gender Identification Issues). The sections play major roles in studying specific statutes and proposing related changes, offering continuing education and networking opportunities to their members, and helping enhance professional competence in particular areas of the law.

Please see State Bar Exhibit 7, Section and Committee annual reports.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The State Bar of Texas committee structure had its genesis in the Texas Bar Association, the forerunner to the State Bar of Texas. In fact, at its organizational meeting in 1882, the TBA formed three committees regarding the structure and operations of the new organization. Those committees were formed to draft the association’s constitution and bylaws, report on the order of procedure for future meetings, and determine the organization’s permanent structure. At the same organizational meeting, the TBA formed six permanent committees: Jurisprudence and Law Reform, Judicial Administration and Remedial Procedure, Legal Education and Admission to the Bar, Commercial Law, Publication, and Grievances and Discipline. After the State Bar of Texas was created in 1939, the first standing committees to be established were Continuing Legal Education and Professional Economics and Efficiency.

Through the years, State Bar standing and special committees have been established either on a permanent or short-term basis to help the State Bar Board of Directors achieve its goals and objectives, or to address specific needs or issues. Another key purpose of the committees has been to involve State Bar members in the organization so that the people of Texas and the State Bar of Texas can benefit from collective knowledge, efforts, and energy.

Sections also had an early start in the life of the organized bar in Texas. Several sections existed in the Texas Bar Association. Five sections were created in 1940 soon after the State Bar was organized: Insurance Law, Mineral Law, Junior Lawyers, District and County Attorneys, and Judicial. Attorneys join sections on a voluntary basis dependent on their interest in particular areas of law. As was true in 1940, some sections today are devoted to specific areas of the law; other sections concentrate on particular interests and associational areas of the law.

Provisions for establishing and maintaining committees and sections are in the State Bar Act, Government Code 81.026; the State Bar Rules, Article VIII; and the State Bar Board of Directors Policy Manual, Part VI.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Through the years, the original purposes for State Bar committees and sections have remained constant. They still recommend and implement a large part of the State Bar's work. In the process, the committees and sections still involve State Bar members in activities that provide services to the people of Texas and the legal profession.

While the intent of committees and sections has remained constant since they were formed, their specific roles and the force they have in the organization have ebbed and flowed. Depending on the priorities of the State Bar president and board of directors, a particular committee may have increased prominence and participation for a period of time. For example, the Texas Disciplinary Rules of Professional Conduct Committee was tremendously active and involved while developing new rules to propose to the membership during a referendum in 1989. The Public Affairs Committee took on additional roles and responsibilities during the 1998-99 fiscal year when the State Bar president's major initiative was "Restoring Public Trust and Confidence in the Legal Profession."

When a State Bar president appoints members to committees, he or she at least informally reviews each committee. More comprehensive reviews have been conducted periodically through the years by special groups appointed by the board. The most recent such study was conducted during the 1999-2000 fiscal year. After considering the viability, continued necessity, and possible overlap of committee responsibilities, the ad hoc Committee Review Team recommended some changes, which the board considered during its June 2000 meeting. The board decided to keep most committees, eliminate two of them, and change the name and purpose of one committee.

As is true with committees, the original intent of the sections has remained constant, but the role of sections has varied over the years. That variance is largely attributable to changes in the prominence of certain areas

of the law depending on societal demands, interest levels of members in participating in the organized bar, and the emphasis the Bar leadership places on the importance of sections in the functioning of the State Bar.

For example, today's recognition by the Bar leadership of the importance of sections began emerging as a key emphasis during the 1995-96 fiscal year when the State Bar president began holding regular meetings with chairs of the sections. This practice led to the institutionalization of the group with the formation of the Council of Chairs, which now meets with the Bar leadership prior to each State Bar board meeting. (The Council of Chairs is provided for in the State Bar Board of Directors Policy Manual, Section 6.02.11.)

State Bar presidents during 1996-1998 appointed committees to study the role of sections in the State Bar and how they could be officially represented on the State Bar Board of Directors. The process resulted in the board's creation of the Section Representation to the Board Committee in April 1998. This decision was designed to enhance communications, collaboration, and cooperation between the board and its sections.

Committees and sections are integral to the overall structure, functioning, and operations of the State Bar of Texas. Given their importance to the organization, it is anticipated that committees and sections will always be needed to help the State Bar fulfill its mandates and missions.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

As described above, State Bar committees serve the public and the members of the legal profession in a variety of areas. In some cases, the committee's purpose clause (which is written by the State Bar president and ratified by the board of directors) may specify to whom the committee's work will be directed. In other cases, based on their purpose clause, the committee will specify the target groups and how eligibility will be decided. While committees are given the responsibility to research issues and develop programs, committee chairs are expected to work in close collaboration with their board advisors and the board as a whole as needed to resolve any questions of purpose, role, policy, direction, and funding.

The primary goal of a section is to inform and transmit information in that particular area of the law to its members. Any member of the State Bar in good standing may become a member of a section. Currently, almost 50 percent of all in-state attorneys are members of at least one section. Primarily, sections serve their members, but many also share their knowledge through continuing legal education events and conferences that are open to others.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

Standing and special committees are established by the board of directors, usually upon the recommendation of the State Bar president, who also appoints the 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 energy. Committee membership consists primarily of attorneys, but some committees also have non-attorney (public) members.

The close relationship the State Bar Board of Directors desires to have with committees and sections is illustrated by the board advisors. At the start of each fiscal year, each member of the board is appointed to act as a liaison to specified committees and sections. The board advisors are expected to attend meetings of committees and sections assigned to them, ensure that the committees fulfill their responsibilities, and report to the board on the activities of the committees and sections.

The activities of committees and sections also are supported and assisted by the State Bar staff. For example, each committee is assigned 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 all committees by making arrangements and sending notices for meetings, providing information to the president-elect in the committee appointment process, and facilitating communications between the State Bar and its committees. Similarly, another staff member, the sections coordinator, provides daily administrative assistance to sections including scheduling meetings, coordinating printing of newsletters and journals, and coordinating continuing legal education events.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 operate with an annual allocation from the State Bar's General Fund.

Sections receive no money from the General Fund. Instead, sections are funded by the dues of their members and fees from continuing legal education events.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Historically, committees have been allocated operational monies from the State Bar General Fund. During many years, each committee was not assigned a specific budget amount, but drew funds from the overall budget for all committees. In an effort to better account for the costs of committee activities and to emphasize committees' responsibilities for sound management of their resources, during the 2001-2002 Bar year, each committee was assigned a specific budget. Although committee members may request reimbursement for expenses associated with committee work, many volunteers absorb the expense and do not seek reimbursement. If a committee determines that additional funds are necessary to achieve program goals, it may request the State Bar Board of Directors to allocate monies for specific purposes.

Sections are self-supporting and are responsible for administering their own financial matters. If a section sees a need to increase its revenue, it may charge fees for products and/or services (continuing legal education events, for example), and it may petition the State Bar Board of Directors to have the section's dues increased.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

For the most part, there are no other entities within the State Bar that provide identical or similar services or functions to the State Bar committees and sections. However, it should be noted that continuing legal education programs offered by sections and Texas Bar CLE sometimes may overlap. Also, the Texas Young Lawyers Association (TYLA) has a variety of committees designed to serve the public and the profession. When State Bar and TYLA committees have similar purposes, the committee chairs are encouraged to coordinate efforts. Also, representation on the State Bar Board of Directors by the TYLA president-elect, president, and immediate past president is designed to enhance communications about activities so that possible overlaps can be identified and addressed.

Externally, there are many local, specialty, and minority bar associations that offer similar functions to those provided by the State Bar of Texas. In fact, most also have committees and sections. While similarities exist between such entities and the State Bar, a major difference may be focus and collective strength. Many times these local groups also work with the corresponding State Bar entity.

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

Good communication is key to avoiding duplication of efforts and resources. Toward that end the State Bar takes many approaches. For example, the State Bar's Local Bar Services Department stays in close touch with the 285 local, minority, and speciality bar associations in the state through the exchange of newsletters and other resources, visits to bar associations, and periodic meetings of all the metropolitan bar executive directors. Perhaps the most important and visible undertaking in this regard is the annual State Bar-sponsored Bar Leaders Conference. It brings together officers of Texas bar associations to meet with State Bar officers and directors, discuss major focuses for the fiscal year, and establish contacts between Bar leaders.

Communication between section chairs is also promoted. Each quarterly meeting of the Council of Chairs gives section chairs and Bar leaders opportunities to discuss items on the upcoming board of directors meeting agenda and other matters of mutual interest. The section chairs also may participate in an electronic mailing list that the State Bar established for their benefit and use.

Additionally, the board advisors and the State Bar staff coordinators for committees and sections play key roles in identifying possible areas of overlap.

Another way duplication can be identified and avoided is during the process used when a section, committee, or another entity within the State Bar wants to initiate a program, project, or function. The entity is required

by the State Bar Board of Directors Policy Manual, Section 10.06.01 to submit a written request to the Budget Committee. Among other specifications, the request must include “(1) An analysis of the need for the proposed program, project, and/or function; and (2) The particular segment of the membership of the State Bar that would be involved or interested in and benefit from the program, project, or function;...” In complying with the stipulation for this data, the entity probably would provide its perspective on whether what it proposes would duplicate what is being done by another entity.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Divisions
Location/Division	Texas Law Center
Contact Name	Barbara Earle, Director of the Annual Meeting/Law Student Division/Local Bar Services Department
Number of Budgeted FTEs, FY 2000	0 ⁸
Number of Actual FTEs as of August 31, 2000	0

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The State Bar of Texas Board of Directors Policy Manual (in Section 6.03) provides for divisions whose membership consists of lay persons who either study law or who work with lawyers. The divisions help further the objectives of the State Bar and enhance professionalism by providing resources and networking opportunities to their members in areas of their study or expertise. The State Bar has divisions for Law Students, Legal Assistants, and Legal Administrators.

Note: The *Legal Administrators Division* is in the process of reevaluating its mission and goals. The division has had very little activity during the last several years. Formed in 1985 to provide education and networking opportunities for legal administrators, the division conducted very successful and well-received seminars around the state for several years. The success of the seminars led to the creation

⁸No individual State Bar staff member is assigned to support the divisions. Instead, staff in the Annual Meeting/Law Student Division/Local Bar Services Department assists the Law Student Division. Staff in the Law Office Management Program serves as a contact for the Legal Assistants Division, which also pays a contract employee to serve as division coordinator.

of the State Bar Law Office Management Program (LOMP) in 1995. No additional information on the division will be provided here.

C Law Students

Students in American Bar Association (ABA) approved law schools throughout the United States may participate in the State Bar's Law Student Division. The division provides law students information and resources before they become licensed and join the State Bar of Texas. Projects and activities of the division have included on-campus educational presentations by the State Bar's Law Office Management Program, and the "Secrets of Success" seminars, which were co-sponsored with the Texas Young Lawyers Association. The seminars, which were offered at each of Texas' nine law schools, were designed to help law students learn from experienced attorneys how to succeed in both their personal and professional lives after law school and how to get the most out of their clerkships.

C Legal Assistants

The division's key services and functions include providing information to help enhance the professional development of legal assistants; providing education for members about the division's Code of Ethics and Professional Responsibility; and providing information about the legal assistant profession to division members, the legal profession, and the public. The division also has two major projects: the Legal Assistants "University" (LAU), a comprehensive three-day seminar which helps legal assistants gain knowledge and practical training regarding substantive legal topics; and Pro Bono Partners, which promotes a team approach of lawyers and legal assistants committed to the delivery of pro bono (free) legal services to the indigent and encourages greater participation in pro bono throughout Texas.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

C Law Students

Created by the State Bar Board of Directors in 1979, the purpose of the division is "To enhance law students' participation in the administration of justice, professional responsibility, and public service in cooperation with the TYLA [Texas Young Lawyers Association] and the State Bar." (This is stated in the State Bar of Texas Board of Directors Policy Manual, Section 6.03.03.)

A guiding thought behind the Law Student Division is to help its members become acquainted with the organized bar and the benefits of working within it so they will be inclined to participate in Bar activities and projects as soon as possible after they become licensed.

C Legal Assistants

The purpose of the Legal Assistants Division (as stated in the State Bar of Texas Board of Directors Policy Manual, Section 6.03.03) is "To enhance legal assistants' participation in the administration of justice, professional responsibility, and public service in cooperation with the State Bar." The division was created by the State Bar Board of Directors in 1981. Although not specifically stated in this purpose clause, a key role of the Legal Assistants Division is to increase the professionalism of its members and thereby enhance the ability of lawyers for whom the legal assistants work to deliver effective service to their clients.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

C Law Student Division

There have been no changes in the original intent for the division.

C Legal Assistants Division

Since its inception 20 years ago, there have been no major changes in the purpose of the division.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

C Law Student Division

The division serves more than 900 law students and pre-law students. Each member of the division must be a qualified law student at an American Bar Association approved law school in the United States or be an undergraduate student intending to attend law school upon graduation from college. Especially in light of the increasing challenge of involving attorneys in organized Bar activities, it is anticipated that the Law Student Division will become increasingly helpful in providing information and encouraging involvement.

C Legal Assistants Division

Membership in the division is open to others in the legal profession, but the 2,100 active, voting members are individuals who work as legal assistants. The division adopted the following definition of a legal assistant:

“A legal assistant is a person, qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task.”

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

C Law Student Division

The division is administered by an elected board comprised of a student from each American Bar Association approved law school in Texas. Administrative assistance is provided by the staff of the State Bar Annual Meeting, Local Bar Services, and Law Student Division Department.

C Legal Assistants Division

The division is made of 16 statewide districts, each of which is represented by a director who serves a two-year term. Board advisors, committee chairs, and liaisons are appointed annually. Since the division is a volunteer organization, performance is measured by the individual enthusiasm of each appointee. However, the board has the ultimate responsibility to see that committee functions are carried out and has the right to remove any appointee who has not fulfilled his/her responsibilities.

Administrative support for the division is provided by the division coordinator, a yearly contract employee who also serves as the main contact for the members and the public. Her responsibilities include keeping division forms and records; assisting LAD executive board members with the budget; assisting every LAD committee; assisting with the Legal Assistants “University” seminar; and producing a monthly magazine.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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).

C Law Student Division

Funding comes from division members’ dues (which are \$15 annually) and sponsorships. The budget for the 2000-2001 fiscal year was \$16,000.

C Legal Assistants Division

Funding is provided primarily from membership dues (assessed at \$50 per year) and fees from seminars and programs conducted throughout the year. The budget for the 2001-2002 fiscal year is \$232,675.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

C Law Student Division

Although current funding resources are fairly adequate for achieving the division’s goals and objectives, a dues increase may need to be considered (from \$15/year) to enable the continuation of benefits at current levels.

C Legal Assistants Division

Adequate funding is a challenge for the division. As a result, the division implemented a budget and finance subcommittee to aid the board on financial issues.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Many of the interests of the Legal Assistants Division are shared with the State Bar Legal Assistants Committee. The committee reports to and acts on behalf of the State Bar Board of Directors in monitoring and overseeing the activities of the Legal Assistants Division. The committee concerns itself with:

“1) the gathering of information on the services of legal assistants who perform work under the direction and supervision of a licensed attorney; and 2) the evaluation and development of appropriate policies and programs addressing the services provided by legal assistants.”

Mainly licensed attorneys comprise the membership of the committee, while legal assistants are the primary members of the division.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency’s customers.

The Legal Assistants Division and the Legal Assistants Committee share similar interests, but there is no overlap in their functions. The committee monitors and oversees the division by maintaining regular communication with the division’s executive board and having periodic joint meetings throughout the year.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

PROFESSIONAL DEVELOPMENT DIVISION
(A component of professionalism)

The Professional Development Division of the State Bar furthers professionalism of attorneys by offering a vast array of legal education courses, publications, and online services. The division includes the following programs: Texas Bar CLE, Video, Books and Systems, and the State Bar College.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Bar CLE
Location/Division	Texas Law Center, 4th Floor
Contact Name	Julene Franki, Division Director
Number of Budgeted FTEs, FY 2000	31
Number of Actual FTEs as of August 31, 2000	26

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Texas Bar CLE (TBCLE) is a provider of continuing legal education programs, publications, and online services for Texas lawyers. Its main product lines are as follows:

- C** *24 annual advanced courses*, two to four days in length, for experienced practitioners, all of which are also for sale as audiotapes. The most popular courses are repeated live or on videotape at additional locations.
- C** *one and two-day programs* on a variety of intermediate and specialized topics, some emphasizing legal skills. With the help of local bar associations, approximately eight one-day programs each year are delivered live by satellite to 26 locations throughout Texas. Four programs each year are produced for a national audience and are broadcast by satellite to six additional states. All satellite programs present the opportunity for audience interaction with expert panelists through a toll-free number.
- C** *course books* from all of the above programs that may be ordered separately. These represent about 30,000 pages of new materials each year.

- C two-hour *telephone seminars*—called “CLE at Your Desk”—that allow attorneys to dial in from their offices for presentations designed especially for teleconferencing, with the opportunity to submit questions to a panel of experts.
- C the *State Bar of Texas Civil Digest* and *State Bar of Texas Criminal Digest* are weekly newsletters that summarize recent appellate cases. The digests are delivered in hard copy for a small charge or online for free. Lawyers may also designate their areas of practice and receive weekly emails including case summaries only in those areas.
- C the online digest service also allows instant free access to the *full text of all appellate decisions* summarized and, for hard copy subscribers, 24-hour faxing of copies of such cases.
- C “*www.texasbarcle.com*,” a website on the Internet through which any State Bar member with a computer and a modem may access recent CLE materials, register for a program, view the Civil and Criminal Digests, click on hotlinks to other useful legal sites, participate in area-of-practice message boards and on-line conferences, and more, 24 hours a day.
- C through the CLE website, the *Online Library* allows attorneys to subscribe to the last several years of course materials prepared for Texas Bar CLE programs, to word search them, and to download them at any time.
- C *showpiece seminars*, like the Ultimate Trial Notebook, at the Annual Meeting of the State Bar.
- C *Custom CLE* kits that include videos of CLE courses and accompanying written materials. Using Custom CLE, local bars, firms, and companies present their own programs in times and places of maximum convenience to their lawyers.
- C the *Online Classroom* delivers audio and video CLE programs any hour of the day or night through the Internet. This allows State Bar members anywhere in the world to fulfill their annual CLE requirements without leaving their desks. After participating in a course, attorneys visit an online forum to exchange comments and answer one another’s questions about the program.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The forerunner of Texas Bar CLE, the Professional Development Program, was created by the State Bar in 1964 in response to a nascent nationwide movement toward State Bar-sponsored continuing legal education staffed by professional administrators, the goal of which was to maintain and, if possible, improve the competence and professionalism of lawyers.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The demands on lawyers have sharply intensified since the establishment of TBCLE. As compared to 1964 when the program was established, lawyers are required to gain quick mastery of vast additional amounts of information in the form of statutes, case law, regulations, advisory statements from government agencies, and mountains of materials interpreting it all. As a result, CLE courses, publications, and other services have had to become better in order to keep pace with the increasing requirements for productivity and competence imposed on the profession as a whole. One consequence of the movement toward enhanced productivity is the necessity for greater technological sophistication by attorneys and by those who support them. Providers of continuing legal education have greatly extended its availability through technological methods of distribution such as Internet communication, videotape capture of live events, telephone seminars, and through the instant searching of legal materials made possible by computers. Given the general complexity of modern life and global commerce, and the parallel complexity of the necessary rules and methods of dispute resolution, there is no indication that the need for continuing legal education will diminish. However, its manifestations may move toward even higher levels of instant availability and interactive problem solving.

Because it evolves through the processes of an organization representing the entire profession, CLE provided by the State Bar is arguably more balanced than that of many other providers. Such a relatively unbiased perspective, as embodied in the programs and the vast literature, establishes a continuing resource for lawmaking in the Legislature and legal interpretation in the courts. Legal theories propounded in CLE activities frequently form the basis for appellate arguments and legislative reforms. The need for such a resource will not diminish.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

TBCLE programs, publications, and online services are presently accessed by over 30,000 Texas lawyers in a given year. From a multiple-year perspective, this number expands to about 50,000 lawyers. The Texas rule for mandatory continuing legal education allows one to carry over hours to the subsequent year, thereby giving the attorney discretion not to attend CLE in a year for which there are adequate carry-over hours already recorded. Also, Texas law schools and local bars present large amounts of CLE that attract many lawyers. By a substantial margin, TBCLE is the biggest CLE provider in the state, delivering about 25 percent of the total number of mandatory training hours each year. There are about 10 other major providers operating in the state and hundreds of small providers, from law firms to small local bars.

TBCLE directs its programming primarily to lawyers. However, judges, law professors, law students, legal assistants, legal administrators, and other professionals also attend programs.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The program is administered through work teams who are delegated certain types of product development. For example, there are staff attorneys and administrators who plan and develop programs, others who develop online products, and others who market and fulfill orders for Custom

CLE programs. Budgeting, marketing, and general oversight are handled through a small executive team of senior lawyers and administrators, most of whom also share some product development responsibilities. Product ideas are generated by staff and by the CLE Committee (a standing committee of the State Bar), which constitutes a continual focus group, advising the department about the educational needs of working lawyers.

See State Bar Exhibit 8 for the table of timelines used in course planning and development. Note that because many events are held at large hotels which are increasingly busy, the booking of facilities must sometimes occur years in advance of dates shown on the timetables.

State Bar Exhibit 9 shows the schedule of courses.

One employee, who works on sales of Custom CLE programs to local bars and firms, works from Dallas. All other employees work out of the Texas Law Center in Austin.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TBCLE frequently works with judges from various Texas courts, from county courts at law up to the Supreme Court of Texas and the Court of Criminal Appeals. The judges serve as volunteer faculty for programs and as authors for course materials.

H. Identify all funding sources and amounts for the program, 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).

TBCLE's expenses are paid from the Bar's General Fund. TBCLE is budgeted to raise revenues in excess of its expenses, which are then used to offset the costs of other Bar activities and to delay future Bar dues increases. Revenues are generated through the registration fees at courses, sale of course materials, subscriptions to periodicals both online and in hard copy, and sale of Custom CLE programs. CLE projects involving publications, such as the CLE website, can be underwritten by monies from the Bar's Book Fund. The fund was established as a dedicated fund to carry forward from year to year to cover the costs of the years of development that sometimes must occur before a publication can be sold and can begin recouping its costs—perhaps, if successful, contributing to the development of other new publications.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

TBCLE budgets are adequate to cover existing projects. The difficult judgment that arises during budget planning each year is how much should be allocated to the development of new programs and products. During recent years, when the development of many technological products occurred, the Bar allocated research and development resources to TBCLE, without an immediate expectation of return. In most cases, those judgments proved justified because such products then began generating sufficient revenues to cover their development and operating costs.

Since TBCLE operates in a competitive market, it is generally believed that developing the next generation of CLE products and services is a good investment. If there is a lapse in such development, other providers could gain such an advantage that TBCLE might no longer be economically viable.

Despite R & D spending, TBCLE has continued to generate revenues in excess of its expenses, although not at the levels seen when the CLE market was less mature. During the transition from primarily live CLE in classroom settings to CLE delivered technologically to the lawyer's desk, the relative amounts to spend on each kind of activity are difficult judgment calls that will only be answered conclusively by the market behavior of Texas lawyers, who have many CLE options from which to choose.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

While many of the programs presented by TBCLE are similar to those of other top quality CLE providers, TBCLE makes a special effort to provide CLE services to *all* the lawyers of Texas, not just those in the large cities. Its Custom CLE initiative that works with local bars and firms, its telephone programs, and its Online Classroom bring CLE to every lawyer. None of the other major Texas providers has made such a commitment. By contrast, the State Bar, which represents every lawyer in the Texas, feels duty bound to do so.

Attached in State Bar Exhibit 10 is a report showing the number of hours of accredited CLE training delivered by all providers to Texas lawyers during 1999-2000, the last full year for which such data is available. Note that TBCLE has three listings in this table: its primary programs, which are in the number one position; its Custom CLE programs, which appear in the number nine position; and its Online Classroom, at number 15.

Because technology makes it possible to deliver the CLE product almost universally, the State Bar has undoubtedly invested more in technology than any other Texas provider. Consequently, the ratio of its technologically delivered products as compared to its traditional classroom fare is rising, especially as compared with other providers. It should be observed, however, that traditional classroom CLE constitutes the factory from which many technological derivatives flow. One could not have the variety of technological offerings unless the live courses were occurring. They provide the opportunities to record the videotapes and to electronically digitize the written materials. In the strategic view, it would not be possible for the State Bar to move completely to technological products.

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

TBCLE tries to avoid presenting programs that materially conflict with those of other major providers in Texas. Such conflicts weaken the economic viability of a program and might mean that it is not presented again, a disadvantage to Texas lawyers who obviously benefit from the maximum choice of offerings. On the other hand, with hundreds of providers and thousands of programs in Texas, it is impossible to guarantee that any program will not impinge in some measure on some other program or provider. TBCLE has so many offerings that it certainly competes with itself as well as other providers. The hope is that such competition is constructive, that it results in more and better CLE for Texas attorneys.

Again, however, it is important to stress that Texas Bar CLE strives for more balance in its presentations than many competing providers. A continuing concern is that the State Bar make such balanced programs available even in the face of special interest programs that often proliferate when a change in the law occurs. Such an approach sometimes sacrifices economic efficiency in the interest of getting out programs meeting a higher standard of objectivity.

It is likely that some weakly-attended courses that were of high quality and that perfectly met the needs of some subset of Texas lawyers have been the victims of the highly competitive CLE environment in Texas, although TBCLE still undertakes certain such programs in the interest of serving the needs of all Texas lawyers. Nevertheless, the first principle remains true: in the interest of economic longevity, one avoids head on head competition with programs and products when one can, and prefers instead to offer something new, different, or more balanced.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

The success of TBCLE depends on volunteers—the willingness of Texas lawyers to share their knowledge and experience with their fellow lawyers. Virtually all of the authors and speakers who participate in State Bar seminars are volunteers, reimbursed for travel expenses only. Without the tradition of lawyers volunteering to help improve their profession by educating their colleagues, CLE in Texas would be much more expensive and scarce, as it is in some other states or as continuing education is in some other professions. The State Bar and the attorneys of Texas are greatly indebted to the speakers and authors who participate in this good work.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism
Exhibit 13: Program Information — Fiscal Year 2000

Name of Program	Video
Location/Division	Texas Law Center, 6th Floor
Contact Name	Paul Burks, Director of Video Production
Number of Budgeted FTEs, FY 2000	3
Number of Actual FTEs as of August 31, 2000	2

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The department's primary purpose is to expand and enhance the continuing legal education efforts of the Texas Bar CLE program. The department provides production and meeting support services for other Bar departments and programs. The State Bar video department has also provided production services for other agencies including the Teacher Retirement System, the Texas Department of Health, the Texas Center for Legal Ethics and Professionalism, and the Supreme Court of Texas.

A small studio facility is housed on the 6th floor of the Texas Law Center. Production capabilities of the department include: multi-camera studio production, mobile/location videotaping, editing, graphics, and duplication.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Video Department was created in 1976. The program was created as an effective and economical way of providing CLE programs to attorneys throughout the state. Video programs were produced and distributed through a network of local bar associations. The video element of the CLE program helps fulfill the mission of Texas Bar CLE pursuant to the purposes enumerated in the State Bar Act.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Production capabilities have evolved in order to meet the CLE demands created by increased membership. The department currently videotapes over 30 live CLE seminars each year. This provides Texas attorneys over 400 hours of CLE topics. The topics cover a wide range of practice areas. Several times a year, a studio-produced CLE seminar is broadcast live via satellite to over 26 sites across the state.

The department also orchestrates the staging and technical requirements for the live events and seminars presented by the State Bar. These requirements include stage lighting, sound, video playback, and PowerPoint presentations. Audio-visual support for speakers at live courses has increased dramatically in recent years.

The demand for video products has grown over the past several years due to increased membership and new avenues of distribution. For example, the State Bar's Custom CLE program reaches many firms and solo practitioners with a cost effective and convenient way of getting CLE hours. Also, many members log on to the Online Classroom seminars via the Texas Bar CLE web site. The Video Department has key roles in making such CLE products available.

The original mission of providing legal education to attorneys across the state remains the primary focus of the State Bar's Video Department. However, the presentation and distribution of CLE products has grown and evolved with advancements in technology.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

Video and audio products are distributed to over 30,000 Texas lawyers through a distribution network established by the Texas Bar CLE and Custom CLE programs. In addition, over 20 hours of CLE is available at any one time as streaming media on the Texas Bar CLE web site.

The Bar's Video Department has also produced several award-winning public service videos on topics such as dropout prevention, the rights of crime victims, and issues regarding the homeless. These public service tapes are utilized statewide by high schools, district attorney's offices, and many civic organizations.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Video Department is under the supervision of the Texas Bar CLE program and the director of the Professional Development Division. There are three employees in the department; the director and two video production assistants. These three employees perform 90 percent of all the duties necessary to produce the Bar's video projects. For large programs or projects, additional personnel is hired on a freelance basis.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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).

Most of the funding comes from the revenue generated through the Texas Bar CLE programs and Custom CLE. Additional funding sources include special projects produced by sections and/or committees of the Bar or through production services provided to other entities such as the Texas Center for Legal Ethics and Professionalism.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes. The revenue generated by the video products sold through courses, Online classroom, and Custom CLE is a very important part of the Texas Bar CLE budget.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The State Bar Video Department provides a specialized production service to the organization. The production services and equipment are custom tailored to meet the videotaping needs of the CLE and other Bar departments. It would be difficult for an external video company to keep up with the demanding travel schedule and special production requirements of the CLE courses. Most external production companies are not geared towards the long, multi-day seminar format.

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

See answer to Question J above.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Books and Systems
Location/Division	Texas Law Center, 4th Floor
Contact Name	Vickie Tatum, Program Director
Number of Budgeted FTEs, FY 2000	12
Number of Actual FTEs as of August 31, 2000	8

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Books and Systems Department publishes and sells edited materials in printed and electronic form that concern legal topics of a practical nature. These publications are intended to help Texas lawyers provide more informed and efficient service to their clients and to assist Texas judges in promptly and fairly administering justice.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Book Fund is the financial entity through which the 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 as gifts from the M.D. Anderson Foundation and the Houston Endowment by establishing a trust account to receive the sum and the proceeds from its use for the exclusive purpose of publications for the continuing legal education program. There are no statutory requirements for this program.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The first Bar publication that appears to have had substantial input from the 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 *Pattern Jury Charges* series and several practice manuals covering major areas of law practice such as family law, real estate, and collections, followed. In recent years the Bar has tried to concentrate the department's limited resources on publications that are useful to the greatest possible number of attorneys and judges. Although the functions and services of the department have not substantially changed, the department now also publishes relevant portions of our current titles in electronic as well as print media.

We do not foresee a time when the necessity for lawyers and judges to have access to these important practice materials will no longer be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The publications produced by the department serve all Texas lawyers and all members of the Texas judiciary.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

All publications are written by lawyers, judges, and law professors who devote countless hours of their time to these projects on a 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.

Staff members who are lawyers work directly with these authors or committees, verify the legal accuracy of the work product, write original material (particularly supplementation), and edit all the material to make it easy to understand and use. Other staff members are responsible for copy editing, design, typesetting, proofreading, developing electronic products for inclusion with the print copy of the publication, and other steps necessary for the production of camera-ready copy (or the electronic version of such) for the printing company.

The department prepares promotional material, including brochures, ads in the *Texas Bar Journal*, and publication lists, as well as marketing and informational material for the Texas Bar CLE website. Upon publication, notices of each book's availability are sent to each member of the Bar; later mailings may be targeted to special interest groups. Sales are handled through the Sales Desk of the Finance Division, and physical distribution is handled by mailroom personnel.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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).

To ensure that the sizable amount of cash required to pay printing bills, etc., is immediately available (delaying production would often make these time-sensitive works unpublishable), the Book Fund was created in 1960. Completion of a main volume generally requires expenditure of department resources over a period of several years; many tens (and often hundreds) of thousands of dollars must be invested in a project, even a supplement, before it is published. Two primary factors—the volunteer nature of the labor and the unpredictability of changes in the substantive law—make it virtually impossible to forecast when a particular project will be ready for final production. All expenses related to publications, including development, meeting costs, other out-of-pocket expenses, production, marketing, and distribution, as well as related overhead expenses including staff salaries and rent for office space, are paid from the fund. All revenues from the publications go into the fund. In addition, the General Fund charges the Book Fund an amount equal to 25 percent of gross sales for various services, including accounting and administrative support for sales of books. Gains and losses from the department’s activities and selected Texas Bar CLE projects that fit within State Bar board policies carry over from year to year, with the balance remaining in the fund to be available for future projects.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Through the continued steady sales of publications, it is anticipated that the Book Fund will maintain a healthy reserve sufficient to maintain current operations. The current balance in the fund (as of May 31, 2001) is \$2.73 million. However, there are factors that may cause significant depletion of the fund over the next several years. One of the factors is the substantial costs of research and development that will be necessary to develop more sophisticated electronic and web-based publications.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Many of the Bar’s publications are considered authoritative in their fields. For example, it is reported that the forms in the *Texas Family Law Practice Manual* have become the standard for practice in the state and are often required by courts. Similarly, pattern jury charges published in various subject areas since 1969 are widely accepted by the bench and bar and have been cited with approval by appellate courts.

These publications differ from those of commercial publishing houses in two basic respects. First, a fundamental goal of the committees that prepare the Bar’s forms and jury charges is that of fairness. Groups of experts appointed to represent competing interests and working under the auspices of the unified Bar are uniquely able to comprehend all sides of the issue and provide fair and rational guidance for the bench and bar. Second, these publications have the benefit of extensive in-house substantive editing, which provides a second line of defense against inevitable errors.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency’s customers.

See answer to Question J above.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	State Bar College
Location/Division	Texas Law Center, 4th Floor
Contact Name	Pat Nester
Number of Budgeted FTEs, FY 2000	1
Number of Actual FTEs as of August 31, 2000	1

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

C Recognition

The State Bar College (SBC) is a voluntary program of continuing legal education (CLE) whereby the State Bar recognizes attorneys who complete over and above the minimum requirement of continuing legal education (CLE). The College issues a certificate to each new member. New and maintaining members are also recognized by the State Bar College.

C Membership

The SBC uses minimum continuing legal education (MCLE) records to determine eligibility for College membership. In order to join the College, attorneys complete 80 hours of CLE within a three year period, or 45 hours within a one year period. A \$50 membership fee also is required. A minimum of 30 hours of CLE per calendar year and a \$35 membership fee is required to maintain membership. MCLE records are used to determine State Bar College eligibility. The MCLE Director sends invitations to each attorney who qualifies for State Bar College membership. The attorney submits a membership fee to the State Bar College.

C Member Benefits

The State Bar College provides a variety of benefits to members. The College recognizes attorneys who exceed minimum CLE requirements, offers CLE registration discounts to members, and hosts annual award luncheons, CLE seminars, and various receptions. The College promotes ethics and professionalism by

funding ethics seminars and other ethics CLE, and recognizes and honors attorneys who, by their practice and conduct, have made significant contributions to the profession. SBC also provides a membership newsletter and website.

C CLE Subsidy Grant

To promote competence in the legal profession, the SBC provides grants to rural and minority local bar associations for the purposes of presenting high-quality live CLE programming. Bar associations submit grant applications to the SBC. The SBC board reviews applications and awards up to a maximum amount of \$5,000 per organization per year, provided the requirements of the application and the grant program have been met.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The SBC was created in 1982 by order of the Supreme Court of Texas to increase the legal competency of Texas lawyers by promoting continuing legal education. For most of its existence, the College has been considered to be a standing committee of the State Bar of Texas.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Supreme Court mandated Minimum Continuing Education (MCLE) Rules became effective in June 1986. SBC members originally recognized for their efforts to maintain competency in the legal profession by annually attending CLE (before MCLE became mandatory) are now recognized for completing over and above the requirements of MCLE.

Beginning in the fall of 2000, the SBC Board designated a transition committee to study the possibility of the SBC becoming an independent organization. In lieu of independence, the State Bar board voted, in the spring of 2001, to designate the College as an associated board of the State Bar and no longer as a standing committee. As a result of the new designation, some of the features of the College board, such as the appointment process and clarification of operating procedures, are in the process of being changed.

For the foreseeable future, the SBC will continue to provide leadership in improving the quality of lawyer education in the state of Texas.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The SBC program serves the public by maintaining high standards for practicing attorneys and by recognizing attorneys who complete more than the required minimum number of continuing education hours each year. The program also serves attorneys by deferring the costs of attending more than the minimum number of CLE hours required by MCLE. Finally, the State Bar College serves local bar associations by deferring the cost of bringing quality live CLE programming to rural and local bar associations that may not otherwise be able to provide this type of activity to their members.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

- C Attorneys attend CLE programs. Attendance information is received and recorded by the MCLE department.
- C Attorneys with the required CLE hours for SBC membership are notified by the MCLE director that they are eligible for membership in the State Bar College.
- C Attorneys submit an application or letter to request admission to the SBC, including a check for initial membership fees.
- C The SBC year is closed December 31, and membership records are verified. Certificates and certificate stickers are sent to SBC initial and maintaining members.
- C Members are eligible for participation in SBC member benefits programs.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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).

SBC collects membership fees which become a part of a dedicated fund used specifically for the purposes of administering the State Bar College program.

- C *Initial membership fee*- \$50
- C *Maintaining membership fee* - \$35
- C *Seminar Registration fee* - Variable

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

While Texas Bar CLE provides programming and MCLE records CLE hours, only the SBC honors attorneys who strive for professional excellence through CLE.

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

The College of the State Bar of Texas uses MCLE records to determine eligibility for College membership. The SBC also requires that attorneys complete MCLE approved courses, and shares the MCLE course database.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see SBC regulations in State Bar Exhibit 11.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Law Office Management
Location/Division	Texas Law Center, Suite 601
Contact Name	Gisela Bradley, Director
Number of Budgeted FTEs, FY 2000	4
Number of Actual FTEs as of August 31, 2000	4

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Law Office Management Program (LOMP) was implemented to establish processes and procedures to assist solo and small firm practitioners in the delivery of legal services by developing and promoting professional, effective, economical and innovative law office management practices.

The department creates educational materials, develops a resource and reference library with books, audio tapes and video tapes, conducts seminars and workshops throughout Texas, and performs on-site management evaluations and reviews on request. The department also conducts telephone consultations and handles walk-in requests for management consultations. The department also created a web-based communication vehicle to facilitate inquiries on various management subjects.

LOMP works with local bar associations to present programs on specific management topics, with law schools to address the graduating students with an introduction to “the real world of private practice,” with the grievance and professional enhancement programs to assist attorneys with practice management challenges, and with the Law Office Management Committee in developing products and services for better delivery of legal services.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Law Office Management Program was created in 1995. The State Bar set out to reduce the number of complaints filed against attorneys due to lack of management skills, i.e., not returning phone calls, missing deadlines, not recognizing conflicts, not properly training and supervising support staff.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The services and functions of the Law Office Management Program have not changed from the original intent. The population served is so vast and varied in management skill levels that there will always be a need

for management support services. While there is a changing trend in the tools that are being used (automated versus manual systems) there are distinct management applications that will never be replaced by a piece of software, i.e., nurturing client relationships and taking care of the client's needs.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Law Office Management Program's services and products are available to all members of the State Bar. However, solo and small firm practitioners are especially encouraged to take advantage of the many benefits. In Texas, approximately 60 percent of attorneys in private practice are in groups of one to five attorneys. That population currently exceeds 40,000.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The program is administered by conducting management seminars and workshops, either directly by the program staff, or in joint venture with local bar associations, law schools, and specialty bar associations. It is also administered by performing management consultations by phone or one-on-one. Further, the department accumulates educational resources, i.e., developing an article data base for quick responses to inquiries, as well as maintaining a growing reference library of books, audio and videotapes. The department has also developed a website and a webboard, allowing attorneys to communicate with other attorneys regarding various practice management subjects.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 funding for the Law Office Management Program is primarily provided by the State Bar's General Fund. The program is viewed as a service to State Bar members rather than a revenue generator. However, during the past two years the department has started charging minimal fees for seminar registration, books and tapes, and office consultations. When traveling to a law firm's site, LOMP requests reimbursement of actual travel and related expenses from the firm.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Meeting the goals and objectives of the Law Office Management Program has to be balanced with the limited available resources. To expand services and reach more members, it is essential to (1) charge for services and (2) partner with outside resources to accomplish program's mission. The goal is for the LOMP to increase its income each year without increasing expenses substantially, eventually becoming self-sufficient.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The Professionalism Enhancement Program works with attorneys who are referred to PEP by the attorney disciplinary and disability system. Many of these attorneys have law office management-related problems. PEP either refers these attorneys to LOMP for office consultations or asks LOMP to conduct seminars for the specific purpose of addressing the attorney's problems. LOMP *primarily* works with attorneys who voluntarily ask for assistance and support. However, LOMP also serves those attorneys who are referred from PEP and directly from the disciplinary and disability system. PEP does not conduct similar services from a law office management training standpoint.

There is one external nationally-known company—ATTICUS—offering similar training that develops services exclusively for attorneys. Its services are similar in that it focuses on management training in the form of seminars, workshops, and on-line coaching. It is different in that its teachings are based on a national audience, while LOMP concentrates on Texas attorneys and rules and requirements specific to Texas.

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

The Law Office Management Program and the Law Office Management Committee evaluated and scrutinized for over two years the products and services offered by ATTICUS. The training programs and course materials used are compatible with LOMP's teachings. As a result, ATTICUS was named a member benefit sponsor of the State Bar and now offers its programs to State Bar members. LOMP will continue to evaluate the ATTICUS programs periodically to assure compliance with requirements. The program continually seeks other additional outside resources of equal quality and standards to strengthen service to State Bar members without incurring additional expense.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

The Law Office Management Program is a vehicle to support the members of the State Bar in the ever-changing environment of practicing law. More and more external influences—such as media, technology, and competition from other professions—impact the day-to-day practice of law and how it is managed. To assure the public is served in the most professional, economical, and innovative ways, the Law Office Management Program needs to continually find ways to assist and support State Bar members with current information, techniques, and processes to help them have a viable and thriving practice from which to serve their clients.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Professionalism Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Information and Communications Division
Location/Division	Texas Law Center, Suite 312
Contact Name	Kelley Jones King
Number of Budgeted FTEs, FY 2000	15.75
Number of Actual FTEs as of August 31, 2000	16.5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The division is responsible for the overall communications program of the State Bar of Texas. That includes everything from upkeep of the website to press releases to member communications to editorial strategies in relation to the *Texas Bar Journal*, the official publication of the State Bar of Texas. The staff works with State Bar leadership, departments, and volunteers to coordinate effective communications strategies in regard to the numerous programs and issues that arise that either need to be communicated or marketed to members of the profession or public.

Organizationally, the division includes the following departments: Texas Bar Journal (including Printing and Graphics), Communications, Website, Research and Analysis, and MyTexasBar (the State Bar web portal).

Publications

- C *Texas Bar Journal*, the official publication of the State Bar of Texas (which was created in 1938);
- C *State Bar Update* (a quarterly newsletter that is mailed to each licensed attorney after each meeting of the State Bar Board of Directors);
- C *Executive Reporter* (which is produced for the Executive Office for distribution to the State Bar Board of Directors at the board’s quarterly meetings).

Public Information/News and Information

- C provides news and information to news outlets including helping the media find experts in particular areas of the law;
- C produces and distributes public service pamphlets (in English and Spanish) to the public and members;

- C maintains a video lending library for the public that is primarily utilized by teachers and other members of the public;
- C assists in planning special events for the public and the profession, such as Keep Justice Alive Week, Law Day, and Annual Meeting; and,
- C provides photography services for the organization.

Website and WebPortal

- C builds and maintains a website that provides useful information to lawyers and the public;
- C supports volunteer efforts on MyTexasBar, a web portal for Texas lawyers, that provides an online sense of community for Texas lawyers;
- C works to make processes such as dues payment and compliance with continuing legal education requirements available electronically;
- C provides up to date news about the State Bar in an interactive way.

Research and Analysis

- C conducts demographic surveys about the legal profession including practice areas, gender, race, compensation, etc.;
- C assists departments in marketing programs and products, as well as recognizing trends and demographic changes in the profession; and
- C works with Bar leaders, the courts, and volunteers on research tools required by those entities.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

Communication is an integral part of every organization. Several of the Bar's purposes relate to communications, "... to foster the role of the legal profession in serving the public," "... improving the administration of justice," and "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 *Texas Bar Journal* is referenced in Government Code §22.108(c) [requires that procedural rules in criminal cases be published in the *Texas Bar Journal*], §33.005(c) [provides that an annual report of the State Commission on Judicial Conduct must be published in the *Texas Bar Journal*], and §81.023(a) [requires that reports of the state auditor regarding any audit of the State Bar of Texas be published in the *Texas Bar Journal*].

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Communication is an ongoing program for the State Bar of Texas. Important developments in recent history include the increased use of electronic communication tools and the implementation of the State Bar website during 1997 and web portal during 2000.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The division produces information that is of use to every attorney licensed to practice in Texas through the *Texas Bar Journal* and *State Bar Update*. About 24,000 attorneys have registered for the web portal, MyTexasBar.com. Last year, the Communications Department responded to approximately 375 media requests for information or interviews and 2,400 calls for public services pamphlets, videos, or general information. More than 50,000 pamphlets were distributed in FY2000-2001.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Communications Division is a team effort led by a director. Team leaders (department managers) work with the division director to identify issues and tasks and to prioritize and implement communications plans and initiatives. Deadlines exist for publication in the *Texas Bar Journal* and *State Bar Update*. Communications is a fairly fluid area that changes direction based on priorities of leadership or issues that move to the forefront based on what is happening in the profession, in the court system, or in society.

All of the division staff is located in Austin.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

During disaster relief efforts, the Communications Department and Texas Lawyers Care work with the Federal Emergency Management Agency (FEMA) to aid in disaster legal assistance. Our contact stems from a MOU between FEMA and the American Bar Association Young Lawyer Division (ABA/YLD) liaison.

The *Texas Bar Journal* staff works in conjunction with various judicial bodies, state agencies, and local bar associations to disseminate information that is relevant to Texas lawyers. Frequent contacts include: the Supreme Court of Texas, Texas Court of Criminal Appeals, the Board of Disciplinary Appeals, State Commission on Judicial Conduct, Texas Bar Foundation, and Texas Equal Access to Justice Foundation.

H. Identify all funding sources and amounts for the program, 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 Department is funded through the State Bar budget. (Disaster assistance money is available from FEMA on a case-by-case basis.) The *Texas Bar Journal* is funded through advertising revenues and the State Bar General Fund (amounting to about \$4 per licensed attorney). The website is funded through the General Fund as is Research and Analysis (but some costs are billed to departments or entities who receive services). The State Bar portal (MyTexasBar.com) is supported through a variety of strategic alliances and some State Bar funds.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Advertising and strategic alliances will continue to be tapped as revenue sources for print and web-based communications efforts. Much of the communications effort is either member or public service-based and should not and can not be expected to produce a profit.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are no programs providing identical services or functions.

Internally, similar services are provided by Texas Bar CLE, the State Bar's professional development program, through educational materials produced for Texas attorneys (including the website: TexasBarCLE.com) Various departments within the State Bar produce information newsletters targeted at specific segments of the membership.

The Texas Young Lawyers Association and the Office of the Attorney General provide similar public service pamphlets and/or web site information. The State Bar coordinates with TYLA and is careful not to undertake a new public service pamphlet if similar information is already available from other agencies.

Externally, local and specialty bar associations produce informational newsletters for their voluntary memberships. A privately-owned newspaper, *The Texas Lawyer*, includes news-oriented articles geared toward attorneys. There are numerous legal portals that attorneys and members of the public can use that are similar to MyTexasBar, but they are not specifically created for and targeted to Texas lawyers.

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

The creation of an Information and Communications Division is one way the Bar has established to ensure that communications is planned and that departments' efforts are not duplicative. With a relatively small number of people to maintain websites, produce publications, handle media inquiries and press releases, it is imperative that the Bar work through a communications plan and that all efforts come through a central area. The Bar has designated official spokespersons and works diligently to ensure that leadership, volunteers, and staff understand and follow communications directives.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

II. PUBLIC PROTECTION

The legal profession is predicated on successful relationships between attorneys and their clients. The State Bar of Texas has several programs that ultimately 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.

The Public Protection core competency serves the following purposes as listed 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:

- C *Office of Chief Disciplinary Counsel*
- C *Client-Attorney Assistance Program*
- C *Texas Lawyers' Assistance Program*
- C *Professionalism Enhancement Program*
- C *Client Security Fund*

Attorney Compliance Division

- C *Membership*
- C *Minimum Continuing Legal Education*
- C *Advertising Review*

Affiliated Board

- C *Texas Board of Legal Specialization*

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Chief Disciplinary Counsel
Location/Division	Headquarters at 6300 LaCalma, Suite 300, Austin TX Regional locations in Dallas, Fort Worth, Houston and San Antonio. Field office locations in: Corpus Christi, El Paso, Harlingen, Midland, and Tyler
Contact Name	Dawn Miller, Chief Disciplinary Counsel
Number of Budgeted FTEs, FY 2000	115
Number of Actual FTEs as of August 31, 2000	106

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The key service and function of the Office of Chief Disciplinary Counsel (CDC) is the provision of a Texas lawyer disciplinary and disability system that evaluates allegations of, and seeks appropriate sanctions for, professional misconduct by lawyers licensed to practice law in Texas.

The major program activities are:

- 1) the receipt and screening of writings containing allegations of lawyer misconduct;
- 2) representation of the grievance committee before investigatory panels which determine if there is just cause to believe misconduct occurred;
- 3) representation of the Commission for Lawyer Discipline (the commission) before evidentiary panels that adjudicate whether professional misconduct has occurred and impose an appropriate sanction;
- 4) representation of the commission before district courts in disciplinary actions against respondent lawyers;
- 5) representation of the commission in pursuing motions to revoke probation and defending against reinstatement actions before the appropriate district court;
- 6) representation of the commission in reciprocal discipline actions and compulsory discipline actions before the Board of Disciplinary Appeals (BODA);
- 7) defense of staff, grievance committee members, members of the commission and, as authorized by the State Bar, the State Bar and the State Bar officers and directors in state and federal court proceedings arising out of or related to the Texas attorney disciplinary and disability system;

- 8) pursuit where necessary of assumptions of jurisdiction over the law practices of attorneys who abandon their practices, or die, or become unable to handle their practices, leaving no one to take over the client matters;
- 9) representation of the grievance committees and the commission, respectively, in appeals before BODA, appellate courts, and the Supreme Court; and,
- 10) provision of training and professional support to grievance committee members.

Additional services include:

- 1) implementing the Professionalism Enhancement Program (PEP), which provides plans of action designed to rehabilitate and educate lawyers in an effort to prevent future problems;
- 2) coordinating with the Client-Attorney Assistance Program (CAAP), which serves as the initial point of telephone contact with consumers seeking information regarding the attorney discipline system and which, in appropriate cases, prior to the filing of a grievance, provides mediation of difficulties between lawyers and their clients where professional misconduct is not indicated;
- 3) serving as liaison to the State Bar Board of Directors Client Security Fund Committee, the Texas Disciplinary Rules of Professional Conduct Committee, the Supreme Court Professional Ethics Committee, and the Supreme Court Unauthorized Practice of Law Committee;
- 4) participating in programs designed to educate Texas lawyers about the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure; and
- 5) operating the "Ethics Helpline" toll-free phone service for Texas lawyers to call to obtain informal assistance in ethical matters.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The first general counsel to the State Bar began serving in 1954. The disciplinary function of the office at that time was to aid grievance committees by investigating complaints upon request. With the inception of the ethical rules promulgated by the Supreme Court, the CDC's current purpose is to administer the program enacted by the Supreme Court which regulates the practice of law in Texas. The system, as currently configured, was created by an order of the Supreme Court dated February 26, 1991, as amended by an order of the Supreme Court dated October 9, 1991, which adopted the Texas Rules of Disciplinary Procedure (the rules), effective May 1, 1992. The rules are codified in the Government Code, T. 2, Subt. G, App. A-1. Prior to codification, the rules were submitted to referendum to the Bar membership and passed, and, upon approval by the Bar, were promulgated by the Supreme Court. The rules establish the terms, composition, and method of appointment of members of the commission, the grievance committees (whose members comprise both investigatory panels and evidentiary panels), and the Board of Disciplinary Appeals (BODA). The rules also prescribe the powers and duties of the grievance committees, the commission, CDC, and

BODA. It is important to note that all entities in the disciplinary system consist of volunteers who contribute countless hours of services and significant resources to this public service for the people of Texas.

The legislative act which gave impetus to the Supreme Court's 1992 order contains certain minimum standards for the disciplinary/disability system. These include:

1. the investigation of all inquiries and complaints;
2. a full explanation to each complainant on dismissal of an inquiry or a complaint;
3. periodic preparation of abstracts of inquiries and complaints filed that, even if true, do or do not constitute misconduct;
4. an information file for each complaint filed;
5. a complaint tracking system to monitor processing of complaints by category, method of resolution, and length of time required for resolution;
6. notice by the State Bar to the parties of a written complaint filed with the State Bar that the State Bar has the authority to resolve the status of the complaint, at least quarterly until final disposition, unless the notice would jeopardize an undercover investigation;
7. an administrative system for attorney disciplinary and disability decisions as an option to trials in district court, including an appeal procedure under the substantial evidence rule;
8. an administrative system for reciprocal and compulsory discipline;
9. interim suspension of an attorney posing a threat of immediate irreparable harm to a client;
10. authorizing all parties to an attorney disciplinary hearing, including the complainant, to be present at all hearings at which testimony is taken and requiring notice of those hearings to be given to the complainant not later than the seventh day before the date of the hearing;
11. the commission adopting rules that govern the use of private reprimands by grievance committees and that prohibit a committee:
 - a. giving an attorney more than one private reprimand within a five-year period for a violation of the same disciplinary rule; or
 - b. giving a private reprimand for a violation that involves a failure to return an unearned fee, a theft, or a misapplication of fiduciary property; and
12. distribution of a voluntary survey to all complainants urging views on grievance system experiences.

In addition to defining the composition and duties of the various disciplinary entities, the rules articulate procedures for determining whether lawyer misconduct has been committed. The process is initiated upon receipt of a writing intended by the author to allege professional misconduct on the part of a lawyer. This

writing is reviewed by a CDC investigator with the assistance as necessary of an attorney. If the writing alleges professional misconduct (as that term is defined in the rules), the respondent is so notified, provided a copy of the complaint, and asked to respond. The respondent has the ability to appeal the classification of that writing as a complaint to BODA. Similarly, if the writing is dismissed as an inquiry, meaning that it does not allege professional misconduct even if true, the complainant has the right to appeal that classification decision to BODA or amend and refile the complaint with additional material.

The rules mandate that all matters classified as complaints are heard before an investigatory panel of the grievance committee. Both the respondent and complainant are invited to appear and have the ability to seek the subpoenaing of witnesses and documents; however, the panel chair of the investigatory panel controls which witnesses are heard and which documents come into evidence. The investigatory panel is charged with determining whether there is just cause to believe that professional misconduct occurred. “Just cause” means “such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that an attorney either has committed an act or acts of professional misconduct requiring that a sanction be imposed, or suffers from a disability that requires either suspension as an attorney licensed to practice law in the State of Texas or probation.” If just cause is not found and the case is dismissed nonunanimously, the complainant can seek a de novo hearing before a second investigatory panel. When a dismissal is unanimous, the complainant has the option to refile with new material not heard by the investigatory panel within 30 days from receipt of the notice of dismissal.

If the investigatory panel finds that the respondent suffers from a disability, that finding is certified and sent to BODA, which appoints a district disability committee comprised of one attorney, one doctor of medicine or mental health care provider holding a doctorate degree, and one public member unaffiliated with the practice of law, to hold a de novo hearing on the issue of disability. If disability is found, that finding is certified and delivered to BODA, which enters an order of indefinite disability suspension. The proceedings other than the order of disability suspension are sealed and must remain confidential.

The rules also provide that under certain circumstances an investigatory panel may direct the CDC to seek an interim suspension of a respondent’s law license pending the ultimate outcome of the case. If the investigatory panel finds that an attorney poses a substantial threat of irreparable harm to clients or prospective clients, the investigatory panel shall authorize the CDC to seek immediate interim suspension of the attorney. Such relief is sought in a district court based upon a preponderance of the evidence standard.

Proof of any one of the following elements establishes conclusively that a respondent poses a substantial threat of irreparable harm and results in the imposition of an immediate interim suspension of the law license: (1) conduct by the attorney which includes all of the elements of a serious crime as defined in the rules; (2) three or more acts of professional misconduct as defined in subsections (a)(2)(3)(4)(6)(7)(8) or (10) of Rule 8.04 of the Texas Disciplinary Rules of Professional Conduct (TDRPC), whether or not actual harm or threatened harm is demonstrated; (3) failure of a respondent to furnish information subpoenaed by a grievance committee, unless he or she, in good faith, asserts a privilege or other legal grounds for the failure to do so; or (4) any other conduct by an attorney that, if continued, will probably cause harm to clients or prospective clients. The court may also appoint a custodian of the respondent’s files if an interim suspension is imposed.

If just cause is found, the investigatory panel may seek to negotiate a sanction which ranges from a private reprimand to seeking a resignation in lieu of discipline (which is the legal equivalent of disbarment). The

investigatory panel may also believe that no appropriate sanction is available and decline to negotiate. If no negotiated sanction is achieved, the respondent-lawyer is given the option of electing to have the complaint heard de novo either by an evidentiary panel or a district court. At this point, the commission becomes the client rather than the investigatory panel. In any case where the respondent fails to elect, the matter is heard by an evidentiary panel. District court cases are initiated with the filing of a disciplinary petition with the Supreme Court, which assigns a sitting district judge from outside the administrative region where the case will be filed to hear the case. In district court settings, both the respondent and the commission have the option of seeking a jury trial. The jury decides the facts; the court assesses the sanction. An evidentiary panel or a district court has as available sanctions a range from public reprimand to disbarment. In addition, the adjudicatory body may impose restitution, assess and levy attorney's fees and court costs, and, in the case of probated suspensions in whole or in part, impose terms of probation deemed appropriate to the case.

The rules also provide for reciprocal discipline related to conduct which has been sanctioned by another jurisdiction, and compulsory discipline for the conviction of certain crimes, both of which are heard by BODA. Motions to revoke probation entered by investigatory panels are heard by BODA. District courts which enter probationary judgments retain continuing jurisdiction to hear motions to revoke arising after entry of judgment. Appeals of district court judgments are to courts of appeal. Appeals from evidentiary judgments are to BODA. Complainants have the right to appeal evidentiary panel judgments and are entitled to "reasonable assistance" of the CDC in any appeal, but the CDC is not obligated to assist a complainant in matters considered by the CDC to be without merit.

Disbarment judgments cannot be superseded or stayed. Suspension judgments must be stayed upon a finding based upon competent evidence that the respondent's continued practice of law does not pose a continuing threat to the welfare of clients or the public. In such a case, the stay can be conditioned upon reasonable terms.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

As a result of the sunset evaluation accomplished in 1991 and the 1986 review of disciplinary procedures undertaken by the Grievance Oversight Committee of the Supreme Court and the General Counsel Advisory Committee of the State Bar of Texas, which resulted in new rules that were approved by the State Bar Board of Directors (the board) in 1990, there have been significant changes to the disciplinary system. These changes were codified in the 1991 amendments to the State Bar Act, Texas Government Code §81.001 et seq. (the 1991 Act).

Significantly, the Legislature established the Commission for Lawyer Discipline (the commission). The commission, a standing committee of the State Bar, is a 12-member body whose members serve staggered three-year terms and is composed of an equal number of lawyers and non-lawyers. Public member appointments are made by the Supreme Court. The president of the State Bar appoints the attorney members, (generally two are appointed by each president). The commission also is charged with the selection of the chief disciplinary counsel, the administrator of the attorney discipline system, and with reporting at least annually to the board, the Supreme Court, and the Legislature regarding the state of the attorney discipline system and making recommendations concerning the refinement and improvement of the system.

Beyond the mandates of the 1991 Act, the rules set out additional duties and obligations of the commission, which include:

- A. To exercise, in lawyer disciplinary and disability proceedings only, all rights characteristically reposed in a client by the common law of this State, except where such rights are expressly hereby granted to a Committee. Each Committee possesses all rights characteristically reposed in a client by the common law of this State relative to Complaints being handled by such Committee until either: (I) twenty days after a Just Cause determination has been made; or (ii) a Disciplinary Action is filed in a court of competent jurisdiction.
- B. To monitor and, from time to time as appropriate, to evaluate and report to the Board on the performance of the Chief Disciplinary Counsel.
- C. To retain special counsel or local counsel when necessary.
- D. To recommend to the Board such educational programs on legal ethics and lawyer discipline as it may consider advisable.
- E. To conduct all of its meetings in such a manner as to protect the rights of confidentiality to the extent possible but also to conduct its meetings in accordance with the Texas Open Meetings Act, Art. 6252-17, Tex.Rev.Civ.Stat.Ann.
- F. To recommend to the Board an annual budget for the operation of the attorney professional disciplinary and disability system.
- G. To meet monthly or at such other times, in such places, and for such periods of time as the business of the Commission requires.
- H. To draft and recommend for adoption to the Board the Commission's internal operating rules and procedures, which rules and procedures, as adopted by the Board, will then be submitted to the Supreme Court for approval and, after approval, be published in the *Texas Bar Journal*.
- I. To recommend to the Board the removal, for cause, of members of committees.
- J. To refer to an appropriate disability screening committee information coming to its attention indicating that an attorney is disabled physically, mentally, or emotionally, or by the use or abuse of alcohol or other drugs.
- K. To report to the Board, at each regular meeting, and to the Grievance Oversight Committee, at least annually, on the state of the attorney professional disciplinary and disability system and to make recommendations and proposals to the Board on the refinement and improvement of the system.
- L. To formulate and recommend to the Board for adoption a system for monitoring disabled lawyers.

M. To notify each jurisdiction in which an attorney is admitted to practice law of any Sanction imposed in this State, other than a private reprimand (which may include restitution and payment of Attorneys' Fees), and any disability suspension, resignation, and reinstatement.

N. To provide statistics and reports on lawyer discipline to the National Discipline Data Bank maintained by the American Bar Association.

O. To maintain, subject to the limitations elsewhere herein provided, permanent records of disciplinary and disability matters; and to transmit notice of all public discipline imposed against an attorney, suspensions due to Disability, and reinstatements to the National Discipline Data Bank maintained by the American Bar Association.

P. To make recommendations to the Board on the establishment and maintenance of regional offices as required for the expeditious handling of Inquiries, Complaints, and other disciplinary matters.

The commission is also tasked with responding to public and media inquiries concerning the operation of the disciplinary and disability system without disclosing confidential or privileged information. In practice, inquiries are typically received either through the CDC's office or through the Bar's Communications Department, which coordinates with the chair of the commission regarding any nonroutine requests.

The rules further provide for the publication of disciplinary results in the *Texas Bar Journal* and in newspapers of general circulation. In addition, the commission is required to report all public discipline to the National Discipline data bank of the American Bar Association.

In addition to the creation of the commission, the rules and the 1991 Act also created the position of the CDC, to be selected by the commission with the advice and consent of the board. From 1991 through 1999, the commission and the Bar board jointly selected persons who acted as both the general counsel for the State Bar and the CDC. In 1999, the commission determined that the job of CDC was a full-time endeavor which precluded one person's performance of both general counsel and disciplinary counsel functions and voted to select its own CDC. As a result, the commission and the board undertook the task of drafting job descriptions for each position, soliciting applications, and interviewing applicants. During the spring of 2000 both a general counsel for the State Bar and a chief disciplinary counsel were retained.

As a result of the mandates of the 1991 Act, sweeping changes were made to the disciplinary procedure which became fully effective on May 1, 1992, after the Supreme Court ratified the results of the referendum which approved the rules. Many of the changes were in direct response to concerns voiced by the sunset staff and to mandates contained in the 1991 Act.

For example, the 1991 sunset staff disapproved of the State Bar Rules procedure that permitted the dismissal of complaints with no review. In response, the rules now provide for classification of appeals by both respondents and complainants. In addition, where complaints are dismissed nonunanimously by an investigatory panel, the complainant may seek a second investigatory hearing de novo before a different panel. Alternatively, complainants may file an amended complaint with additional information. Finally, complainants have the ability to appeal evidentiary panel decisions with reasonable assistance from the CDC. A major change requires an investigatory hearing before a panel of a grievance committee in all matters classified as complaints, which are writings alleging professional misconduct.

Another concern during 1999 was the lack of a review of decisions made by grievance committees under the State Bar Rules. This is addressed in part by the mandate that hearings be held on all matters classified as complaints. A major change which responded to a concern regarding oversight of the local grievance committees is the transition of the client status in disciplinary matters from the local panel to the statewide commission after the early stage of the process. The thought behind this change was to promote consistency and to afford both complainant and respondent the opportunity, in situations where no agreed sanction is entered at an early stage, for a persons wholly removed from the locale of the alleged misconduct to serve as the client body in the disciplinary matter.

The rules satisfy the legislative requirement that there be an administrative system for reciprocal and compulsory discipline with the establishment of BODA, which has extensive appellate jurisdiction and original jurisdiction. In addition to being the final arbiter of classification decisions and serving as the intermediate appellate court for evidentiary panel decisions, BODA adjudicates requests for transfers of venue of disciplinary proceedings from one committee to another in both investigatory and evidentiary settings. It has original jurisdiction to hear and determine compulsory and reciprocal discipline, to hear motions to revoke probation arising out of any grievance committee judgments, and is involved in both the appointment of district disability committees and the entry of orders in accordance with certified findings of those committees. It has jurisdiction concurrent with district courts to hear reinstatement from disability cases. All decisions of BODA are appealable, except classification and venue decisions.

The 1991 Act also sets minimum standards, outlined above, which must be met under the Rules. Many of these provisions require review of the decisions made by the various disciplinary authorities during the processing of an individual matter. The rules, by providing for the creation of BODA, as well as other appellate procedures, ensure that disciplinary proceedings are reviewed.

Concerns regarding delays in the processing of grievances during the 1991 sunset review are addressed through an extensive series of deadlines established throughout the rules, many of which are mandatory. In sharp contrast to the former State Bar Rules, the rules now set out time requirements which address the handling of a grievance from the time of classification through trial.

The 1991 Act required that the commission adopt rules to govern the use of private reprimands by a grievance committee and that those rules prohibit a committee from giving an attorney more than one private reprimand within a five-year period for the violation of the same disciplinary rule. Further, the Legislature provided that the rules would prohibit the giving of a private reprimand that involves the failure to return an unearned fee, theft, or misapplication of fiduciary property. Those mandates were satisfied with the approval of the Commission's Internal Operating Rules by the Supreme Court's order entered November 20, 1992. Rule 5.1 states that private reprimands are not to be utilized if:

- A. A private reprimand has been imposed upon the Respondent within the preceding five (5) year period for a violation of the same disciplinary rule; or
- B. The Respondent has previously received two (2) or more private reprimands, whether or not for violations of the same disciplinary rule, within the preceding ten (10) years; or

- C. The misconduct includes theft, misapplication of fiduciary property, or the failure to return, after demand, a clearly unearned fee; or
- D. The misconduct has resulted in a substantial injury to the client, the public, the legal system or the profession or
- E. There is a likelihood of future misconduct by Respondent; or
- F. The Respondent's misconduct was an intentional violation of the Texas Disciplinary Rules of Professional Conduct or, if applicable, the Texas Code of Professional Conduct; or
- G. A Disciplinary Action has been initiated as a result of such misconduct.

Training of district committee members has been expanded from individual chairs to every member of the committee. Prior to 2000, training was conducted regionally on an annual basis and additionally as needed. Beginning in the fall of 2000, in order to ensure uniformity and consistency, all new members are trained in a single location. This is supplemented with regional training.

Since one of the primary issues addressed by the 1991 Act and the rules was the public's access to the attorney grievance system, the State Bar provides information in both Spanish and English to the public, maintains toll-free telephone numbers, describes the State Bar's grievance process in telephone directories statewide, and makes complaint forms available in Spanish and English in county courthouses. Further, each lawyer is now required to provide each client certain information regarding the attorney disciplinary system by the means set forth in the 1991 Act, which may include the posting of a sign in the attorney's office, inclusion of information regarding the system in client billings, or in the written contract for services with the client.

Refinements to disciplinary procedure were promulgated by the Supreme Court, effective as of December 23, 1992, October 1, 1994, and October 15, 1996, respectively. Notable among these changes are the following provisions: 1) Complaints may be filed in the name of the State Bar as complainant; 2) Complainants may refile, with additional information, complaints which were previously dismissed; 3) An investigatory panel has full discretion as to what evidence it receives; 5) An investigatory panel may offer an agreed sanction to a respondent, but the panel is not required to do so; 6) Motions to revoke probation are to be set for hearing before the court without the aid of a jury; 7) Investigation of allegations of misconduct may be carried out by the CDC independent of the filing of a writing; 8) Six, as opposed to four, members constitute a quorum of BODA; 9) BODA is not subject to the Texas Open Meetings Act or the Texas Public Information Act; 10) The completion or termination of any term of incarceration, probation, parole, or any similar court-ordered supervised period does not bar action by the CDC for compulsory discipline, nor have any effect on a judgment for compulsory discipline; 11) No respondent-lawyer is entitled to practice law while an appeal from a BODA judgment is pending; and 12) Communications to the CDC or grievance committee relating to lawyer misconduct or disability and testimony given at any disciplinary proceeding are absolutely privileged and no lawsuit thereon may be instituted against any complainant or witness.

As it is not anticipated that the problem of professional misconduct on the part of attorneys will cease, there is not a time when the mission of delivery of an attorney disciplinary and disability system which protects the public and promotes professionalism of lawyers will be accomplished and the program will no longer be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The program exists to protect the public from unethical lawyers, to promote the dignity and sanctity of the legal profession, and to afford accused lawyers a fair and just system for evaluating and adjudicating allegations of professional misconduct for the benefit of the public at large. Texas lawyers are also served. 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 disciplinary and disability system.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Office of the CDC is headquartered in Austin where the chief disciplinary counsel and other staff with statewide responsibilities, as well as the staff dedicated to service of the greater Austin area, are housed. There are four regional offices, including Dallas, Fort Worth, Houston, and San Antonio, which contain a full compliment of lawyers, investigators, legal assistants, and support staff. There are five field offices in Corpus Christi, El Paso, Harlingen, Midland, and Tyler, each of which consists of an investigator and an administrative assistant. A map illustrating the regions serviced by the various offices is attached as State Bar Exhibit 12. A schematic of the grievance system is attached as State Bar Exhibit 13. An organizational tree, which shows the relationships between the various offices, is attached as State Bar Exhibit 14.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

With respect to disciplinary actions filed in district courts, in which district judges from outside the administrative region where the lawsuit is filed sit, the CDC works with district clerks' offices, constables' offices, and sheriffs' offices in a fashion analogous to any civil litigant. The rules afford cooperation with law enforcement agencies and the Supreme Court Unauthorized Practice of Law Committee and its subcommittees. There are, however, no formal legal relationships, memoranda of understanding, interagency agreements, or interagency contracts in place.

H. Identify all funding sources and amounts for the program, 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 only funding sources are the State Bar's General Fund and attorney's fees and costs procured in disciplinary cases.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current expenditures are adequate to fund the administration of the attorney disciplinary and disability system as it is currently configured.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The functions statutorily mandated by the rules and the 1991 Act to be performed by the Office of Chief Disciplinary Counsel in conjunction with grievance committees, BODA, and the commission are 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 persons from engaging in the unauthorized practice of law. To the extent that there might be overlap between persons engaging in the unauthorized practice of law and lawyers, unethically aiding persons in the unauthorized practice of law, there might be some overlap between the attorney disciplinary system and the work of the subcommittees of the Unauthorized Practice of Law Committee.

The State Bar Client Security 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. To the extent that there is overlap between disciplined lawyers and the lawyers whose clients are applicants to the Client Security Fund, there is an exchange of pertinent information. A board committee of the State Bar called the Client Security Fund Committee makes recommendations for approval by the board regarding the award of monies to applicants of the Client Security Fund.

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

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

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

C why the regulation is needed: to protect the public by providing a strong disincentive for lawyers who contemplate violating the Texas Disciplinary Rules of Professional Conduct.

C the scope of and procedures for inspections or audits of regulated entities: The attorney discipline system does not provide for mandatory or random audits of attorneys' trust accounts or practices.

C follow-up activities conducted when non-compliance is identified: Attorneys suspended or disbarred who continue to practice law are subject to contempt actions. Attorneys who violate the terms of a probationary judgment are subject to a motion to revoke probation. The CDC staff monitors disciplinary judgments that contain reporting or monetary requirements.

C sanctions available to the agency to ensure compliance: Revocation of probation and civil contempt proceedings.

C procedures for handling consumer/public complaints against regulated entities: See response contained in Question C.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

State Bar of Texas Chief Disciplinary Counsel Exhibit 14: Complaints Against Regulated Entities – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of complaints received	9,040	9,430
Number of complaints resolved	3,607	2,962

Number of complaints dropped/found to be without merit	5,420	6,270
Number of sanctions	552	521
Number of complaints pending from prior years	1,549	1,562
Average time period for resolution of a complaint	782 days	664 days
Number of entities inspected or audited by the agency	Not applicable	Not applicable
Total number of entities regulated by the agency	All licensed Texas attorneys	All licensed Texas attorneys

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Client-Attorney Assistance Program (CAAP)
Location/Division	Texas Law Center, Suite 501
Contact Name	Constance Miller, Director of CAAP
Number of Budgeted FTEs, FY 2000	7
Number of Actual FTEs as of August 31, 2000	6

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Client-Attorney Assistance Program (CAAP) answers the Grievance Information Hotline for the State Bar of Texas. The Hotline is the legislatively mandated means by which the public may request the grievance forms and information necessary to initiate a formal grievance against an attorney licensed to practice law in Texas. CAAP responds to public complaints and requests for information in four primary contexts:

- C Providing grievance forms and grievance process information upon request.
- C Referring persons to State Bar of Texas departments and services, local bar association services and programs, and local and state agencies for other services and assistance as appropriate.
- C Assisting clients and their Texas attorneys resolve problems that are interfering with the client-attorney relationship when those problems do not represent misconduct or unethical behavior according to the Texas Disciplinary Rules of Professional Conduct (TDRPC).
- C Answering general questions about the legal system, disciplinary process, and TDRPC.

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

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

CAAP was created as a joint project of the Commission for Lawyer Discipline (commission) and the State Bar of Texas Board of Directors. The program commenced operating for nine months as a pilot program on September 27, 1999. After the pilot phase ended, CAAP was approved for statewide implementation.

CAAP's primary purpose is to answer the Grievance Information Hotline, which is maintained by the commission. Previously the Office of the Chief Disciplinary Counsel (CDC) answered the Hotline. The objective of shifting the Hotline responsibilities to CAAP was two-fold: (1) to alleviate the workload of the 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; and (2) provide a neutral forum and act as an "umpire" for resolving non-grievance level problems that affect the client-attorney relationship.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

After the nine-month pilot phase, the program was approved for statewide implementation over a period of approximately 24 months. On August 1, 2000, the program services were expanded to the Fort Worth Region for the CDC. On May 1, 2001, the program services were expanded to the Dallas Region of the CDC. In the fall of 2001, program services will expand to the San Antonio Region. By mid-2002 the program services will be offered in the Houston Region of the CDC.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

CAAP serves the public, including resident and non-resident clients (and non-clients) of Texas lawyers. It also serves the membership of the State Bar. There are no eligibility requirements to access CAAP.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Client-Attorney Assistance Program is currently administered through the work of seven individuals. The program director manages all departmental functions and employees.

- C CAAP answers Grievance Information Hotline telephone calls.
- C Phone calls are analyzed based on content.
- C Statistics are gathered, analyzed, and disseminated.
- C Options and strategies encompass the following alternatives:
 - C Provision of grievance forms and grievance process information to the caller.

- C Referral information for state and local bar associations, community services, and community resources to the caller.
- C Instigation of the CAAP intervention and resolution process for the caller.
- C Provision of information and brochures as appropriate.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 the program are allocated from the State Bar of Texas General Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

In order to accommodate program expansion, CAAP will be required to request additional funding to provide for the larger staff and increased overhead that will be required by additional responsibilities and territory. When the program is operational statewide, the budget should stabilize. Other possible future funding sources may include grants or optional contributions from the membership.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

None are known to exist in Texas.

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

Previously, the CDC staff answered the Grievance Information Hotline. However, with the shift of that responsibility to CAAP, the CDC staff will no longer respond to the Hotline. CAAP performs functions (i.e., prescreening, resolving client-attorney misunderstandings, referrals to internal and external resources and services) not performed by other State Bar departments. CAAP was designed to fill what was perceived as a gap in public and membership services.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see State Bar Exhibit 15.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Lawyers' Assistance Program
Location/Division	Texas Law Center, Suite 601
Contact Name	Ann Foster, Director
Number of Budgeted FTEs, FY 2000	2.5
Number of Actual FTEs as of August 31, 2000	1.5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

It has been estimated that anywhere from 10,000 to 15,000 lawyers in Texas suffer from alcoholism, chemical dependency, or mental illness impairing their professional abilities. The Texas Lawyers' Assistance Program (TLAP) was created and has as its mission to help any lawyer, judge, or law student whose professional performance may be affected by alcoholism, chemical dependency, depression, stress, or other similar conditions. TLAP not only helps save the lives of impaired attorneys, but also contributes to the protection of the public, the continued improvement in the integrity and reputation of the legal profession, and (because assistance to an impaired lawyer often prevents future ethical violations) the reduction of disciplinary actions against attorneys.

Primarily, TLAP provides hotline assistance and referral services for Texas lawyers and law students, 24 hours a day, 365 days a year. Colleagues, family members, friends, office staff, judges and clients of impaired lawyers call for assistance, as do impaired lawyers themselves. The TLAP staff speaks with those seeking help and then, utilizing a statewide volunteer network, often assigns volunteer attorneys to work face-to-face with the impaired lawyer to assist him or her in recovery or rehabilitation. As necessary, TLAP may refer the attorney to appropriate professional assistance in his or her local community.

In addition, the TLAP staff, members of the Lawyers' Assistance Committee, and volunteer attorneys work to increase the legal community's and the public's awareness of impairments among lawyers and how to access help. This is done throughout each year via presentations at conferences, MCLE events, local bar associations, law firms, and law schools, as well as by articles in bar journals and other print media. In March of 1989, 1992, 1995, and 1998 and February 2001, TLAP was the featured subject of the *Texas Bar Journal*.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

TLAP was created to provide for the identification, peer intervention, counseling, and rehabilitation of law students and attorneys licensed to practice law in Texas having difficulties which adversely affect their study and practice of law, including physical or mental illness, substance abuse, or emotional distress. TLAP became an official State Bar program in 1989, although this outreach work had been carried on by volunteers and a State Bar standing committee, the Texas Lawyers' Assistance Committee, for many years prior to 1989. TLAP is the approved peer assistance program of the State Bar and as such is governed by the provisions of the Texas Health and Safety Code, Chapter 467 et seq and Texas Administrative Code, Chapter 151.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Until chemical dependency, mental illness, stress, and other similar conditions are eradicated from this planet, there will always be a need for the services of TLAP. Since its inception in 1989, TLAP has assisted almost 3,100 attorneys suffering from substance abuse, chemical dependency, depression and other mental, emotional, and physical difficulties. Most years we see a gradual increase in the number of cases TLAP handles, however, during the 1999-2000 Bar year, TLAP handled approximately 403 total cases, a substantial 31 percent increase over the previous year's caseload.

Perhaps the most notable trend, however, has been the increase in the number of lawyers and law students seeking help for mental health issues, most notably for clinical depression. While approximately 56 percent of the 1999-2000 cases related to substance abuse and dependency issues, almost 35 percent of TLAP's cases related to lawyers dealing with depression or other mental health issues. By way of comparison, during the State Bar Year 1998-1999, approximately 67 percent of the lawyers helped were dealing with substance abuse and dependency, and 27 percent were dealing with other mental health issues. To meet this increase in mental health cases, TLAP is in the process of developing an effective peer assistance model and is making every effort to expand its volunteer base to include even more volunteers with direct expertise and experience in dealing with mental health issues.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

TLAP serves both lawyers and law students in this state by helping impaired lawyers and law students with crisis intervention, direct referrals, and support. TLAP also serves the entire related legal community and general public through on- on-one education when a judge, lawyer, family member, staff member, or client calls to voice his or her concern about a particular lawyer. Additionally, TLAP serves the entire legal community and public through its general educational efforts via presentations at conferences, MCLE events, local bar associations, law firms, and law schools, as well as through articles in bar journals and other print media.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The State Bar standing committee, the Texas Lawyers' Assistance Program Committee, provides leadership, direction, knowledge, and wisdom to the Texas Lawyers' Assistance Program. The day-to-day activities of the Texas Lawyers' Assistance Program are handled by the TLAP staff. This staff consists of four full time employees: a director, an assistant director, a program associate, and one administrative assistant.

First and foremost, TLAP operates and staffs a confidential toll-free telephone hotline, 24 hours a day, 7 days a week and works to provide counseling and referral services to each and every caller. Providing these direct services to lawyers in need is TLAP's primary purpose, however, a considerable amount of the TLAP's staff time and energy is spent educating the legal community about the problem of personal impairments among attorneys and how TLAP can help. TLAP staff offers one-on-one education to those who call. Additionally, TLAP committee members, staff, and volunteers participate and speak at Texas law schools, at State Bar continuing legal education (CLE) seminars, at seminars produced by the Texas Center for Legal Ethics and Professionalism, and at various local and specialty bar association meetings. Additionally, TLAP continues to make its services known to the state legal community by means of advertisements and articles in the *Texas Bar Journal* and numerous local bar association publications, as well as in State Bar CLE publications and brochures.

TLAP has worked to develop, modernize, and computerize its databases—all the while maintaining the confidentiality of its volunteers and program participants. TLAP has also expanded its web presence, accessible through the State Bar web site at www.texasbar.com. TLAP's web page now includes e-mail accessibility, educational material, a bibliography of suggested further readings, links, personal stories and articles, and the TLAP Annual Report.

TLAP's success in reaching the impaired attorney is, of course, not possible without the dedication and commitment of the TLAP volunteers and the participation of members of various lawyer support groups, which continue to thrive and hold meetings in approximately 12 cities across the state. As of the end of the 2000-2001 Bar year, TLAP had approximately 600 volunteers in 55 communities around the state. TLAP staff supports its volunteers and monitors by providing training, both individually and during the annual Texas Lawyers Concerned for Lawyers Convention.

Because attorneys suffering from untreated substance abuse, depression, and other personal problems often find themselves before the lawyer regulatory authorities, TLAP staff has continued to develop, maintain, and strengthen its relationships with the Board of Law Examiners and the disciplinary authorities. While TLAP does not advocate for or against any attorney before, nor report any attorney to, these regulatory entities,

TLAP staff does consult with and works with the various state grievance committees; the Commission for Lawyer Discipline; the Board of Disciplinary Appeals (BODA); the Chief Disciplinary Counsel (CDC) staff; the Board of Law Examiners (BLE) and its staff; the Texas Center for Legal Ethics and Professionalism; and various Professionalism Enhancement Panels (PEP) throughout the state. TLAP also recruits, recommends, and trains attorney monitors to oversee probationary licensees for the BLE and to help oversee certain terms of probated suspensions given by the Commission for Lawyer Discipline, and provides training for these monitors throughout the year.

In addition to these duties, the TLAP staff performs a number of other services for the State Bar of Texas. TLAP staff acts as director and assistant director for the Professionalism Enhancement Program and as the Employee Assistance Program (EAP) personnel for the State Bar staff, providing confidential employee assistance services to the State Bar's more than 300 employees. This year, the TLAP staff instituted stress de-briefing sessions for certain State Bar employees, most notably those working with the State Bar Client-Attorney Assistance Program.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Board of Law Examiners (BLE) investigates all individuals who apply to become licensed attorneys in the State of Texas. During this process, a determination is made as to the individual's character and fitness to practice law, usually at two stages: first, upon filing of intent to study law and second, after making application to take the bar exam. Pursuant to the Rules Governing Admission to the Bar of Texas, Rule VII (c) and (d), and Rule X (2) (Rules relating to the Determination of Declarant Character and Fitness and Determination of Applicant Moral Character and Fitness respectively), upon a finding that a declarant or applicant may, or does, suffer from chemical dependency, the BLE is required to involve the Texas Lawyers' Assistance Program in ways particularly set forth within those provisions. Additionally, under Rule XVI(h), the BLE is required to initiate and maintain a working relationship with TLAP to provide for the evaluation and referral to treatment for those persons issued a probationary license. Additionally, when the BLE recommends the issuance of a Probationary License because of a person's chemical dependency, the board makes the license conditional upon the attorney remaining abstinent, attending AA, attending other support groups if available, submitting to drug screens, and submitting to an attorney monitor. When requiring a monitor familiar with chemical dependency issues, the BLE will often request that TLAP recommend an attorney to serve as that monitor.

The Texas Rules of Disciplinary Procedure address disability issues. Even in instances where a lawyer is not found to be disabled, terms of probationary judgments may require that a lawyer participate in TLAP.

Additionally, the Texas Disciplinary Rules of Professional Conduct, Rule 8.03, provides that each attorney has an ethical obligation to report certain misconduct of another attorney to appropriate authorities. Under 8.03(c), a lawyer may fulfill that obligation to report certain conduct by making a full report to TLAP, if that lawyer knows or suspects that the other lawyer is impaired by chemical dependency on alcohol or drugs or by mental illness.

Although TLAP is not mandated to work with other local units of governments, TLAP maintains good working and networking relationships with peer assistance programs of other professions (such as doctors, nurses, pharmacists, and veterinarians) operating within Texas, as well as with the American Bar Association's Commission on Lawyer Assistance Programs (ABA CoLAP), and other lawyers' assistance programs in all 50 states. Because of TLAP's success in recruiting and training monitors for the disciplinary system and the Board of Law Examiners, the ABA-CoLAP commissioned TLAP to write a Model Planning Guide for Implementing a Recovery Monitoring Program. TLAP has also been honored to present topics at the annual ABA-CoLAP conferences regarding the Model Monitoring Program and TLAP's successful outreach efforts with law students. TLAP was also invited to participate in a panel discussion regarding substance abuse among lawyers and its impact on client protection funds at the ABA Forum on Client Protection in New Orleans and is currently involved in drafting a "Director's Manual" for the ABA Commission on Lawyers' Assistance Programs. Most recently, the director of TLAP, Ann Foster, was appointed to the first-ever Advisory Board to the ABA Commission on Lawyer Assistance Programs.

H. Identify all funding sources and amounts for the program, 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 through the State Bar General Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

If current and future funding resources grow at a reasonable rate of 3 to 4 percent per year, TLAP will be able to maintain the current level of services. If current and future funding resources do not grow at that level or are reduced, TLAP will be forced to reduce services.

Realistically, TLAP needs to expand its services. Primarily, this centers around providing increased mental health and chemical dependency outreach and educational services, including direct intervention via professionals, as well as developing and implementing continuing facilitated mental health support groups. This may also include development of programs related to limited and emergency law practice assistance and career transition assistance. It is estimated that a full expansion of services such as these would require budgetary increases in the minimum amount of \$150,000.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The Texas Lawyers Concerned for Lawyers (TLCL) is a group wholly independent of the State Bar Texas Lawyers' Assistance Program (TLAP). TLCL is a non-profit Texas corporation 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 is governed by a board of directors and corporate officers. TLCL has many local LCL support groups in

communities around the state. TLCL is not a peer assistance program and hence does not operate with the confidentiality and immunity protections afforded TLAP under the Texas Health and Safety Code. TLCL does not have staff, a hotline, or centralized statewide coverage.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency’s customers.

While TLCL is separate from TLAP and the State Bar, there has always been a great deal of communication and cooperation between the two organizations. The need for both organizations is critical; there are many lawyers who need our combined and individual services. TLAP and TLCL often work together in many ways to reach out to help the lawyer and law student who needs assistance. TLCL hosts the annual Texas Lawyers Concerned for Lawyers Convention through which TLAP has an opportunity to provide volunteer and monitor training for its members.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Attached is a copy of the most recent Texas Lawyers’ Assistance Program Annual Report, covering the State Bar fiscal year 1999-2000 (State Bar Exhibit 16).

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Professionalism Enhancement Program (PEP) (provides technical support for the PEP staff of the Office of Chief Disciplinary Counsel)
Location/Division	Texas Law Center, Suite 601
Contact Name	Ann Foster, Director
Number of Budgeted FTEs, FY 2000	1.5
Number of Actual FTEs as of August 31, 2000	1.5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

A project of the State Bar Professionalism Committee, the Professionalism Enhancement Program (PEP) is designed to address professionalism issues in lawyer-client relations, lawyer-lawyer relations, and lawyer-court relations. PEP focuses on rehabilitation and prevention—reducing the incidence of conduct that is unprofessional and that may or may not rise to the level of an ethical violation. By offering alternative and additional assistance to attorneys and clients, PEP seeks to assist in resolving clients' legitimate complaints and in training more professional and ethical lawyers who truly represent the best in our profession.

PEP addresses professionalism issues arising from communication problems, poor office management skills, lack of appropriate respect, minor neglect, failure to understand the basics of the ethical and professional practice of law, and similar problems which would be especially responsive to lawyer-to-lawyer assistance, education, special training, or law office management consultation.

When an attorney enters the program, PEP makes an initial assessment of the attorney's needs and develops an individualized plan of action to best help the participating attorney. This individualized plan of action may include:

- C referral to mediation
- C lawyer-to-lawyer assistance
- C monitoring
- C attendance at a specially-designed ethics course or particular legal education courses
- C referrals to professionals such as management and business consultants, physicians, mental health professionals, financial planners, etc.

One part of PEP, the integrated aspect, is incorporated into the grievance system and is called into action in appropriate grievance proceedings. The other part, the nonintegrated aspect, operates more like a voluntary peer assistance program. In both cases, a statewide network of qualified volunteer attorneys serve as mentors, monitors, consultants, mediators, and members of PEP panels of the local grievance committees.

Regarding the integrated aspect of PEP, when a complaint against an attorney comes before the grievance committee that appears appropriate for PEP's assistance, the lawyer is referred to the professionalism enhancement panel for assessment and help. The panel meets with the lawyer to determine the attorney's particular needs and to devise a plan of action for the attorney to follow. The integrated program does not divert a lawyer from a sanction. If a sanction is appropriate, the grievance committee or trial court can offer (or in some case require) participation in PEP in addition to the sanction. In appropriate cases, however, the grievance committee is allowed to refer a respondent to rehabilitation with or without a sanction. Accordingly, a respondent might be referred to PEP without a sanction being entered.

Participation in PEP does not shield an attorney from the disciplinary process if he or she has committed a sanctionable offense.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

In 1994, the State Bar of Texas took a major step in attempting to elevate the public's perception of the legal profession when it instituted the Professionalism Enhancement Program (PEP). PEP focuses on rehabilitation

and prevention, ultimately reducing the incidence of conduct that is unprofessional and which may, or may not, rise to the level of an ethical violation. By offering alternative and additional assistance to attorneys and clients, PEP seeks to assist in resolving clients' legitimate complaints and in training more professional and ethical lawyers.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Since its inception in 1994, the Professionalism Enhancement Program has served the public and legal community well. This is a program that will probably always be needed. In fact, PEP panels for the next fiscal year are currently being developed for several yet unserved areas in the state, including Midland, Lubbock, Denton, and Wichita Falls.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The program serves all attorneys in the state, and indirectly, the public. In FY 2001, the 17 PEP panels throughout the state dealt with approximately 208 respondents.

There are no qualifications or eligibility requirements for receiving help from PEP. Although most who access PEP are referred to PEP through the grievance process, PEP is available to any attorney in the state.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The PEP program has a program director and assistant director. These individuals act as a source for resources and training for the statewide PEP program and PEP coordinators, including training of PEP panel members, grievance panels, and for educational outreach concerning PEP to the statewide legal population, and the general public. The day-to-day operations of PEP are handled by employees of the Commission for Lawyer Discipline who are physically located in the regional offices in Austin, Dallas, Fort Worth, Houston, and San Antonio. These PEP coordinators are responsible for coordinating the activities, meetings, and recommendations of the various PEP panels throughout the regions. The PEP coordinators have the additional responsibilities of acting as local resources for PEP recommendations, overseeing compliance of the respondents within PEP, and for maintaining PEP files and documents. A statewide network of qualified volunteer attorneys serve as members of PEP panels of the local grievance committees, while other volunteers serve as mentors, monitors, consultants, mediators, and valuable resources for the program. The Professionalism Committee of the State Bar continues to provide leadership and direction to the PEP program as requested.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The PEP program works with the Texas Center for Ethics and Professionalism to provide education and training on the issues of professionalism and ethics. In particular, "The Ethics Course" is offered four times throughout the year and is useful for those wishing a refresher in the ethical practice of law, as well as those interested in how the disciplinary system works and how to practice law in an appropriate, professional manner. PEP also makes appropriate referrals to internal State Bar programs, such as the Texas Lawyers' Assistance Program (TLAP), the Client-Attorney Assistance Program (CAAP), and the Law Office Management Program (LOMP).

H. Identify all funding sources and amounts for the program, 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 State Bar provided \$112,692 in 2000-2001 to support Texas Lawyers' Assistance Program (described in previous program description) staff who serve as technical experts for the PEP program. These funds provide training, development, and consulting for PEP program staff. The Office of Chief Disciplinary Counsel (CDC) is responsible for administering and implementing the PEP program. The CDC has allocated approximately \$257,511 to PEP activities for the 2001-2002 fiscal year. These activities include salaries for PEP coordinators, funding PEP panels, and operating and travel expenditures.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

If current and future funding resources grow at a reasonable rate of 3 to 4 percent per year, PEP will be able to maintain the current level of services with an eye toward expanding the non-integrated service part of PEP. If current and future funding resources do not grow at that level or are reduced, PEP will be forced to reduce services.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The newly created State Bar Client-Attorney Assistance Program (CAAP) has complemented PEP activities in that PEP now may refer matters concerning attorney-client relations and attorney-attorney relations to CAAP for additional assistance. Also, the Law Office Management Program (LOMP) offers training to attorneys on firm management issues such as financial tracking and practice development. Most PEP participants are referred to the program as part of the grievance process. In some situations, a PEP participant might be referred to LOMP if PEP staff determines that is the best method of getting the attorney the training he or she needs.

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

Please see answer to Question J above.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Client Security Fund
Location/Division	6300 LaCalma, Suite 300 Austin TX 78752
Contact Name	Ray Bravenec, Client Security Fund Administrator (member of chief disciplinary counsel staff)
Number of Budgeted FTEs, FY 2000	1
Number of Actual FTEs as of August 31, 2000	1

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The function of this program is the provision of financial relief to persons who have lost money, property, or other things of value as a result of an attorney’s dishonest conduct. Upon a final finding of professional misconduct and receipt and review by the fund administrator of a claimant’s application, the Client Security Fund Committee, which consists of seven members of the State Bar of Texas Board of Directors, determines if a payment is to be made in accordance with the Rules of Procedure of Client Security Fund Proceedings (the rules, attached State Bar Exhibit 17).

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Client Security Fund was created by the Board of Directors of the State Bar of Texas in 1975. There are no statutory requirements. Rules governing the composition and operation of the Client Security Fund Committee and the requirements for and limits of eligible claims are contained in the State Bar Board Policy Manual, Part V.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The intent of the program remains the same as when the program began: to compensate those who have been financially damaged by the conduct of dishonest lawyers. The rules concerning the operation of the fund were amended by the State Bar Board of Directors on April 17, 1998. Since a time when persons will not be

harmed by dishonest lawyers is not foreseeable, there is not a time when the program will no longer be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The program serves members of the general public who have lost money, property, or other things of value because of the dishonest conduct of an attorney. It also serves individuals who have paid an attorney's fee in advance and no significant legal services were performed because the attorney was disbarred, suspended from the practice of law, or for other unjustifiable reasons. An application for reimbursement must be filed within one year after the applicant discovers the loss or within such further time as may be allowed by the committee. All information concerning the files and records pertaining to all applications, including disciplinary information, is confidential.

Claims based on dishonest conduct occurring prior to January 1, 1991, are limited to \$20,000. Claims based on dishonest conduct occurring after January 1, 1991, are limited to \$30,000. Claims for reimbursement of an unearned fee are limited to 50 percent of the unearned fee, up to \$5,000. Disputes with a lawyer about the quality of services or the amount charged for services are not eligible for reimbursement.

To be eligible for payment from the fund, the claimant must show that the attorney was disciplined, voluntarily resigned from the practice of law, died, was declared mentally incompetent, became a judgment debtor of the applicant, or was convicted of a crime of dishonest conduct against the applicant, or the case is otherwise an appropriate case for consideration. The loss must be caused by the dishonest conduct of the lawyer when he or she was acting as a lawyer, acting in a fiduciary capacity, or as an escrow holder. The loss must have occurred on or after April 12, 1975. The applicant may not be the lawyer's spouse or other close relative, partner, associate, employer, or employee. Nor may the applicant be an insurer, surety, bonding agency, any business entity controlled by the lawyer, or a governmental entity or agency. The loss also must not be covered by insurance.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

Individuals who have lost money, property, or other things of value are provided information about the Client Security Fund by employees of the Office of Chief Disciplinary Counsel after the grievance process is final. The program is administered by a part-time investigator and a part-time administrative assistant. The investigator, who also acts as the fund administrator, screens claims applications to determine eligibility in accordance with the rules. Each application is presented quarterly to the seven-person Bar board committee, along with the fund administrator's recommendation regarding payment or non-payment. Upon approval of the committee, claimants receive payment from the fund. Such payment is made annually, at the end of each fiscal year. Should the fund's monies on hand not be sufficient to cover the total amount of all approved claims, payment may be made on a prorata basis. All claims statewide are administered through the Austin Office of the Chief Disciplinary Counsel.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

While the Client Security Fund has no formal relationship with any other agency, from time to time, other agencies who are also involved in a matter with a particular respondent ask for applications for reimbursement from the fund, and the administrator complies with these requests. Additionally, restitution which is obtained through community supervision agencies is subject to the assignment of rights given by claimants to the fund.

H. Identify all funding sources and amounts for the program, 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 by a transfer of \$250,000 from the General Fund of the State Bar of Texas at the beginning of each fiscal year (June 1), plus interest earned from the fund corpus and restitution from attorneys whose conduct was responsible for payments from the fund. Before any application may be approved, the claimant is required to sign a subrogation agreement, assigning to the State Bar his or her rights against the lawyer involved. Payments received through enforcement of these subrogation agreements are also added to the fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes. The payout from the fund was relatively constant over the six-year period from 1993 through 1998. Please see recapitulation of number of claims paid and total approved payout by fiscal year, attached as State Bar Exhibit 18. Although claims paid during fiscal years 1999-2000 and 2000-2001 have significantly increased, monies available from the fund over this period have been sufficient to pay all claims.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Not applicable.

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

There are no other programs in the state which serve persons who have lost money or property to dishonest attorneys.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see brochure describing operation of the fund, attached as State Bar Exhibit 19, and a list of the Client Security Fund Committee, 2001/2002 Roster, attached as State Bar Exhibit 20.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

ATTORNEY COMPLIANCE DIVISION
(a component of public protection)

The goal of the State Bar Attorney Compliance Division is to address collectively a variety of mechanisms for regulating attorneys or otherwise applying rules to their professional activities. For example, one of the Bar's primary regulatory functions is membership: maintaining the roster of licensed attorneys in Texas. Ensuring that only licensed attorneys practice law in Texas is key to the court system and further, the administration of justice. Other functions of attorney compliance are: Minimum Continuing Legal Education (MCLE), Advertising Review, and the Texas Board of Legal Specialization.

State Bar of Texas – Public Protection
Exhibit 13: Program Information — Fiscal Year 2000

Name of Program	Membership
Location/Division	Texas Law Center, Suite 505
Contact Name	Kathy Holder, Director of Membership
Number of Budgeted FTEs, FY 2000	11
Number of Actual FTEs as of August 31, 2000	11

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The department's primary functions include maintaining the records of all the attorneys licensed in the State of Texas, the annual collection of membership dues and the Texas attorney occupation tax, the balloting process of the State Bar election and any referenda, and a biennial judicial poll.

In addition to maintaining the records of the attorney membership, the department also maintains the records of four associate membership divisions which include: the Legal Assistants Division, the Law Student Division, the Legal Administrators Division, and the Third Year Law Students. The department maintains all complimentary and subscriber members for mailing list purposes in our database. See details in table below.

<i>Membership Department Functions</i>	
<i>Function</i>	<i>Key Details</i>
collecting bar member dues	attorney dues notice timeline: May 1, 1999 - 74,003 dues statements sent July 1, 1999 - 11,935 reminder notices sent September 1, 1999 - 1,812 suspension notices sent

collecting attorney occupation tax	occupation tax notice timeline: May 1, 1999 - 65,301 tax notices sent August 1, 1999 - 8,663 reminder notices sent September 1, 1999 - 1,976 suspension notices sent
establishing and maintaining attorney records	reinstatements: (average 20 daily) suspensions for noncompliance with: (4,040 for 1999-2000) bar dues occupation tax TGSLC loan repayment child support payments MCLE (minimum continuing legal education) disciplinary grounds status changes: (average 50 daily) inactive status MCLE non-practicing voluntary resignations deceased attorneys editing records: (500 changes weekly) new attorneys licensed: (average 3,000 per year)
conducting elections for State Bar and Texas Young Lawyer Association boards	coordinate balloting process for the annual presidential and board of directors election

Additional functions include:

- C conducting referenda (last referendum conducted in November 1998)
- C conducting biennial judicial poll
- C establishing and maintaining records for associate divisions/complimentary/subscriber members
- C providing extensive customer service primarily via telephone
- C providing and managing provision of bar cards
- C providing primary information on attorney practice standing including letters of good standing
- C processing large volumes of mail
- C processing mailing label requests

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

Government Code §81.051 establishes mandatory enrollment in the State Bar of Texas in order to practice law in the state, while §81.052 and §81.053 define the membership classes and the status of the classes.

Government Code §81.054 establishes mandatory payment of annual membership dues. Article III of the State Bar Rules establishes membership in the Bar as mandatory, much the same as the Act.

In 1995, the Texas Legislature amended Subchapter H, Chapter 191 of the Tax Code 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.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Services and functions have changed from a technological standpoint as the department continues to pursue efficient and convenient avenues for attorneys to meet their mandatory requirements through online programs. As long as attorneys require licensing and regulation, the Membership Department will be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Membership Department currently has 11 employees that serve over 70,000 attorneys and 3,000 associate members. The department serves and is accountable to the Supreme Court of Texas, the Supreme Court Clerk, the executive director of the State Bar, and all State Bar departments. In addition, the department serves the state's court systems, local bar associations, and the general public. Membership records maintained by the department are kept on behalf of the Supreme Court of Texas.

Aside from the attorneys who have eligibility requirements to practice law in Texas, and the associate divisions who have eligibility requirements to be members of the division with which they are associated, there are no specific eligibility requirements to access information in the membership database, as the State Bar is subject to the Texas Open Records Act.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

To become a member of the State Bar of Texas, members must obtain a license through the Board of Law Examiners. After a member has successfully passed the Bar exam and has been issued a license, he/she is entitled to join the State Bar of Texas by filing an enrollment form with the Membership Department and paying Bar dues and the attorney occupation tax. Upon completion of the enrollment process, attorneys are issued a Bar number, entered in the membership database, and mailed a Bar card. This entitles a member to practice law in the state of Texas.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Membership Department is the administrative arm to the Supreme Court of Texas and administers the department duties on behalf of the court. The department director is deputized as the Chief Deputy Clerk for Membership of the Supreme Court of Texas.

H. Identify all funding sources and amounts for the program, 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 collects approximately \$13 million in bar dues annually. The department is funded through the State Bar's General Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

While current funding is adequate to perform necessary functions, a future increase in funding to update and expand the Membership Department's information technology system could improve the program's efficiency. Future funding increases could be used to acquire updated computers, a new database program, and additional staff to implement online services for member attorneys.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

While several entities regulate the legal profession, including the Board of Law Examiners, Minimum Continuing Legal Education Department, Advertising Review Department, and the Commission for Lawyer Discipline, the Membership Department is the only one that maintains attorney membership data.

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

The Membership Department director also fulfills the statutorily-designated position as Chief Deputy Clerk of the Supreme Court. This allows coordinated efforts between the Supreme Court of Texas and the State Bar. This also helps facilitate the relationship with the Board of Law Examiners.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

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

C why the regulation is needed

To ensure that only those who have met all requirements to practice law are practicing. This provides public protection and professional integrity which are primary requirements of self-regulation.

C the scope and procedures for inspections or audits of regulated entities

Contact with attorneys occurs annually with the mailing of a dues statement (which include forms for updating attorney contact information) each year on May 1st. The attorneys are required to return the dues statement by June 1st.

Although inspections and audits of attorneys are not performed by the Membership Department, member records are used by the Commission for Lawyer Discipline to obtain a full picture of an attorney's overall status with the Bar.

C follow-up activities conducted when non-compliance is identified

Any attorney who fails to pay dues on a timely basis is provided one reminder notice mailed on or around July 1st. The attorney has until August 31st to pay the dues to avoid suspension of his or her law license.

C sanctions available to 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. These attorneys are administratively suspended. Before an administratively suspended attorney may reactivate his or her Bar license, membership requirements must be met. The Supreme Court officially administers the sanction although processing is accomplished through the Membership Department. Attorneys who are dissatisfied with the suspension may petition the Supreme Court in writing.

C procedures for handling consumer/public complaints against regulated entities

The Commission for Lawyer Discipline is responsible for handling complaints against attorneys. The Client-Attorney Assistance Program (CAAP) recently established by the State Bar answers the grievance hotline

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 commission and CAAP.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency’s practices.

Attorneys disputing administrative suspensions imposed on their law license can petition the Supreme Court in writing requesting a waiver of penalties assessed for late payment and/or expungement of the suspension record.

State Bar of Texas Membership Department Suspension Requirement Exhibit 14: Complaints Against Regulated Entities – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of petitions to the Supreme Court for waiver of late penalties or expungement of suspension record	24	17
Number of petitions resolved	24	17
Number of petitions dropped/found to be without merit	14	13
Number of petitions granted	10	4
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	2 weeks	2 weeks
Number of entities inspected or audited by the agency	not applicable	not applicable
Total number of entities regulated by the agency	all licensed Texas attorneys	all licensed Texas attorneys

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	MCLE
Location/Division	Texas Law Center, Suites 503 and 507
Contact Name	Nancy Smith, Director of MCLE
Number of Budgeted FTEs, FY 2000	9.75
Number of Actual FTEs as of August 31, 2000	8

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Attorney Compliance

- C Preliminary and annual verification reports are mailed to attorneys during their compliance cycle.
- C A credit input form (CIF), used to make additions or modification to continuing legal education (CLE) credits, is mailed with each report.
- C A grace period (the birth month) is allowed to complete any remaining CLE hours.
- C Attorneys may claim an exemption (non-practicing, judicial, full-time faculty, legislative attorney, Legislature/Congress, hardship, self-study allowance) for the purposes of complying (either partially or fully) with MCLE requirements.
- C Attorneys 70 years of age or older (emeritus attorneys), are exempt from MCLE requirements by MCLE Rule (Article XII, Section 4(G)).

Accreditation of CLE Events

- C CLE sponsors submit applications and course information to the MCLE Department.
- C Staff reviews this information to determine accreditation and number of CLE credit hours for each activity.

Recording Attorney Attendance at CLE Events

- C Attorneys complete attendance forms while in attendance at an approved event.
- C CLE sponsors submit attendance forms to the MCLE Department.
- C Attendance information is recorded for each course and is also shown on each attorney's compliance record.

Non-Compliance

- C Attorneys who do not complete CLE requirements during the MCLE compliance year or the grace period are penalized \$50 and allowed three additional months to complete remaining CLE requirements and pay the penalty.
- C Two notices are mailed during the non-compliance period.
(Effective January 1, 2002, the non-compliance fee will be \$100 during the first month of non-compliance, \$200 during the second month of non-compliance, and \$300 during the third month of non-compliance.)

Suspension

- C Attorneys who do not complete CLE requirements by the end of the three-month non-compliance period, or who have not paid the non-compliance fee, are submitted on a petition for suspension to the Supreme Court of Texas.
- C Attorneys are administratively suspended on the date of the signed Order to Suspend.

Customer Service

- C Attorneys call to confirm CLE hours added to compliance records, to confirm compliance with requirements, or to find appropriate CLE activities to attend.
- C Attorneys register for MCLE Internet services and may view their confidential MCLE records online (with an assigned PIN) for any compliance year.
- C An MCLE database of approved CLE activities is accessible via the Internet.
- C MCLE Rules, Regulations, Accreditation Standards for CLE Activities, and Application for Accreditation of CLE Activity are requested by phone or in writing and are available via the Internet.

Guardianship Certification

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

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The MCLE Rules became effective June 1, 1986 (Article XII, State Bar Rules). The purpose of the program is to ensure that each active attorney pursues a plan of continuing education throughout his or her career in order to remain current on the law. The primary goal is for each attorney to maintain a high standard of professional competence in order to better serve the public.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The intent and services of the program have remained the same. However, there have been rules and regulations changes over the years. In 1996, the ethics education requirement was increased from one hour per year to three hours per year. That same year, the regulations were amended to allow for interactive participatory credit, such as online CLE or CLE by teleconference. As long as attorneys are regulated and required to obtain continuing legal education, the MCLE program will be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

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

The MCLE program also serves attorneys by keeping a database of approved CLE activities that may be attended for MCLE purposes, personal use, or purposes other than MCLE compliance.

The MCLE program serves attorneys by keeping attendance records for each CLE activity attended. MCLE provides transcripts and reports to attorneys at any time needed, for any compliance period, or other time period needed. Transcripts are used by attorneys for both MCLE compliance and personal records.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

1. Programs are accredited for MCLE credit
2. Attorneys attend MCLE accredited programs and submit attendance information to CLE sponsors
3. Sponsors submit attendance records to MCLE
4. MCLE records attendance for each CLE activity and each attorney
5. Attorneys receive reports during the compliance cycle (ending on the birth month)
6. Attorneys notate reports with additions or modifications to CLE credits (using the Credit Input Form). The form is returned to the MCLE Department for processing. Attorneys can add self-study, teaching or other attendance credits that may not be listed.
7. Attorneys who do not comply receive non-compliance notices, and are penalized with a fee.

8. Attorneys who do not comply after a three-month non-compliance period, or who have not paid the non-compliance penalty, are submitted on a petition to the Supreme Court for administrative suspension of their law licenses.
9. Attorneys who have been administratively suspended (because of noncompliance with MCLE requirements) may be reinstated by completing the required CLE, submitting a deficiency report showing the hours completed for compliance, and paying a reinstatement fee (and non-compliance fee if still owed).

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 collects fees, which become part of the State Bar General Fund:

Non-compliance fee

MCLE collected \$266,795 from non-compliance fees in FY 2000. Currently the non-compliance fee is set at \$50, and is charged to any attorney who has not complied by the end of his or her birth month. (The State Bar Board of Directors has approved MCLE Regulations changes that affect MCLE non-compliance fee structure. Effective January 1, 2002, non-compliance fees will be increased to \$100 during the first month of non-compliance, \$200 during the second month of non-compliance, and \$300 during the third month of non-compliance.)

Reinstatement fee

MCLE collected \$77,050 from reinstatement fees in FY 2000. The fee is currently set at \$300. The State Bar Board of Directors has approved MCLE Regulations changes that affect the MCLE reinstatement fee. Effective January 1, 2002, this fee will be increased to \$400.

Member accreditation fee

MCLE collected \$58,420 from member accreditation fees FY 2000. Set at \$15, this fee pays for the administrative expense of processing a request for accreditation of an out-of-state CLE activity by an individual member.

Sponsor course accreditation fee

MCLE collected \$286,129 from sponsor accreditation fees in FY 2000. Set at a minimum \$25, this fee covers the administrative expense for processing an application for accreditation of CLE activity, and additional processing required for maintaining attendance records for the activity. This fee is based upon paying \$10 per hour or \$5 per attorney attending, whichever would be least.

Sponsor late filing fee

MCLE collected \$126,155 from late filing fees in FY 2000. Set at \$50, this fee is required to be submitted by a sponsor if an application is received less than 15 days in advance of the program start date. The fee promotes advance submission of CLE course information by sponsors so that staff can provide a database of sufficient CLE activities for the purposes of attorney compliance with MCLE requirements.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

MCLE fee increases were approved by the State Bar Board of Directors, April 20, 2001. These changes to the MCLE Regulations will take effect January 1, 2002. Approved fees are appropriate to achieve mission goals.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Texas Board of Legal Specialization (TBLS)

TBLS is a voluntary program of education and certification for attorneys seeking excellence in a particular area of practice. 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 (TCJ)

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

College of the State Bar of Texas (State Bar College or SBC)

The College is a voluntary program of continuing legal education whereby the State Bar recognizes attorneys who complete over and above the minimum requirement of CLE.

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

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

TBLS reviews all MCLE-approved, sponsor-submitted CLE activities to determine TBLS approval and certification credits. MCLE forwards activity files to TBLS, where staff reviews each activity and flags

courses in the MCLE database as approved for TBLS certification, if applicable. Certification areas of study are shown for each TBLS-approved course.

The Texas Center for the Judiciary downloads attendance records for judges from the MCLE database. Judicial attendance records are used to determine whether or not judicial education requirements have been met.

The College of the State Bar of Texas uses MCLE records to determine eligibility for College membership. The College is a voluntary program of continuing legal education whereby the State Bar recognizes attorneys who complete over and above the minimum requirement of CLE. The College issues a certificate to each new member. In order to join the College, attorneys complete 80 hours of CLE within a three year period, or 45 hours within a one year period. A \$50 membership fee is also required. A minimum of 30 hours of CLE per calendar year, and \$35 membership fee is required to maintain membership. MCLE records are used to determine State Bar College eligibility. The MCLE director sends invitations to each attorney who qualifies for State Bar College membership. The attorney submits a membership fee to the State Bar College. MCLE records for College members are shared with the State Bar College so that continuing membership requirements can be tracked.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

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

C why the regulation is needed

The MCLE program helps attorneys maintain high practice standards by assuring that each attorney completes at least a minimum number of continuing legal education hours each year, thereby remaining current with the law. The mandatory MCLE program increases professional competence of lawyers, thereby protecting the public.

C the scope of and procedures for inspections or audits of regulated entities

A 12-member committee administers the program of minimum continuing legal education, and proposes regulations consistent with Article XII, State Bar Rules. The State Bar Board approves all new regulations, amendments or modifications to existing regulations. The committee meets quarterly and reviews appeals, special requests, and determines administrative policy and procedure.

C follow-up activities conducted when non-compliance is identified

Attorneys who do not comply with MCLE requirements are administratively suspended. Before a suspended attorney may reactivate his or her Bar license, MCLE requirements must be completed for all delinquent compliance years, and non-compliance and reinstatement penalties must be paid.

C sanctions available to the agency to ensure compliance

Non-compliant attorneys may be sanctioned with an administrative suspension of his/her license to practice law. Sponsors of CLE activities who do not comply with requirements may be sanctioned. Attorneys may file complaints against sponsors. The MCLE Committee requests a response from the sponsor concerning the complaint and then reviews both the complaint and the sponsor’s response. Sponsors who do not comply with MCLE Rules and/or Regulations, may be sanctioned. Sanctioning can include non-accreditation of several or all CLE activities provided by the sponsor.

C procedures for handling consumer/public complaints against regulated entities.

Written complaints against MCLE are reviewed by the MCLE Committee. Action is determined by the committee. Appeals of MCLE Committee decisions proceed to the State Bar Board of Directors.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency’s practices.

State Bar of Texas Minimum Continuing Legal Education Exhibit 14: Complaints Against Regulated Entities – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Requests for rules/regulations changes or complaints against sponsors and/or approval of CLE activities	3	3
Number of complaints resolved	3	0
Requests for changes to MCLE regulations which were not accepted by the MCLE committee	0	3 ⁹

⁹These requests for changes to the MCLE Rules or Regulations were reviewed and answered, but not supported by the MCLE Committee. Each request was for consideration of changes that would allow special credits for various activities.

Number of denied applications for accreditation of CLE events, appealed to the MCLE committee	23	34
Number of successful appeals (credit was granted by the MCLE committee)	9	4
Number of sanctions	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	1 - 3 months	1 - 3 months
Number of CLE sponsors inspected or audited	3	0

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Advertising Review
Location/Division	Texas Law Center, Suite 400A
Contact Name	Ray Cantu, Director of Advertising Review
Number of Budgeted FTEs, FY 2000	3
Number of Actual FTEs as of August 31, 2000	3

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Licensed Texas attorneys who market their services to the public are required to adhere to the lawyer advertising rules. Part VII of the Texas Disciplinary Rules of Professional Conduct specifies appropriate ethical requirements for attorneys who advertise. These rules created the Advertising Review Committee, a standing committee of the Bar, that is made up of nine attorneys and three public members.

The committee is charged with implementing and enforcing the lawyer advertising rules. They review advertisements for compliance, develop interpretations on specific aspects of the rules, and develop administrative policies pertaining to the Advertising Review Department.

The Advertising Review Department implements the rules established by the Supreme Court through a referendum of Texas lawyers with policies and procedures specified by the committee. The department and committee play an important educational role by assisting attorneys in understanding the regulatory requirements. Staff and committee members speak at numerous CLE courses and publish various articles of interest concerning lawyer advertising. In addition, the department staff is available to provide telephone and in-person assistance to attorneys who have questions about the process.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The purpose of the advertising review regulatory program is to protect the public from lawyer advertising communications that are false, misleading, or deceptive. The program was created after attorneys in Texas voted on the acceptance of the lawyer advertising rules in a referendum held in May 1994.

On March 31, 1995 the rules were upheld by the U.S. District Court for the Eastern District of Texas. The Supreme Court of Texas established July 29, 1995, as the effective date for the lawyer advertising rules. These rules were promulgated as Part VII of the Texas Disciplinary Rules of Professional Conduct (TDRPC). As a result, the Advertising Review Committee of the State Bar of Texas was created in April 1995 and the department was established in July 1995.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The leadership of the State Bar of Texas and its membership have demonstrated a desire to regulate attorney advertising as evident in the 1994 referendum. Since legal advertising has become an important component for attorneys to remain competitive, we do not anticipate a time when the program will no longer be needed. The functions of the program have not changed over time. However, the Advertising Review Committee has found it necessary to develop new interpretations or administrative policies in order to carry out its regulatory duties.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The program is designed to protect the public from attorney advertising that is false or misleading. The advertising rules apply to all licensed Texas attorneys who advertise their services to the public. The program strives to educate all Texas attorneys about the requirements. (See State Bar Exhibit 21 for a list of stakeholders.)

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

Attorneys who advertise their services to the public are required to submit their materials to the Advertising Review Committee for review unless specifically exempted under the rules. The filing requirements apply to various types of advertising mediums, such as yellow pages, print, television, radio, outdoor displays, targeted solicitation letters, and Internet advertisements.

Certain types of public media advertisements and written solicitations are exempt from the filing requirements of the advertising rules. Public media advertisements that contain limited professional information such as

name, address, phone number, area of law, and board certification disclaimer and other information as defined by Rule 7.07(d) TDRPC are not required to be submitted.

Other filing exemptions apply to certain types of charitable sponsorships, newsletters, and communications sent to existing or former clients, and information requested by a prospective client. In addition, solicitation letters that are disseminated to individuals that are not based on a specific legal problem of which the lawyer is aware are not required to be submitted to the Advertising Review Committee.

Each ad submitted for review must be accompanied by an application form and fee. (See State Bar Exhibit 22 concerning the application process.) Advertisements may be submitted to the department for pre-approval prior to dissemination or may be filed contemporaneously with first dissemination or mailing.

The applications are received and processed by the Advertising Review Department. The staff reviews the majority of the advertisements that are submitted. The committee reviews a small number of ads that staff cannot make determinations on due to the complexity of the interpretation of the rules.

Once reviewed, the advertisements are either approved or determined to not be in compliance with the rules. (Approvals are binding in a disciplinary proceeding while findings of non-compliance are not.) If the advertisement is not in compliance, the attorneys are given an opportunity to correct the violations. (See Question M for description of process used for noncompliant attorneys.)

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 funding source for this program is provided through the application fee that attorneys must submit when filing advertising materials with the Advertising Review Committee. The application fee (set by the State Bar Board of Directors in 1995) is \$50 per advertisement. In addition, attorneys who have not appropriately filed their advertisements in a timely fashion in accordance with the advertising rules must pay a non-filer late fee of \$200. It is through these fees that the Advertising Review Department is able to perform all of its functions.

On April 20, 2001, the State Bar Board of Directors approved a request from the Advertising Review Committee for an increase in current application filing fees. Beginning September 1, 2001, the application

fee to submit an advertisement to the Advertising Review Committee will be \$75. The non-filer late fee was increased to \$300.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The current application fee and non-filer fee structure have adequately funded the costs of the program since it was implemented in 1995. For the first six years of the program, the department has been self-funded based on the application fees that have been submitted to the committee.

However, budget projections indicated that the current fees would not adequately cover expenses of the program in future years. Therefore, the committee petitioned the board of directors in April 2001 to increase the application fees. As mentioned in Question H, effective September 1, 2001, the application fees have been increased to ensure that the regulatory process remains self-sufficient in the near future.

An area of concern for the committee and department is the long-term storage of applications. Since the advertising rules do not specify how long the committee is required to keep the applications, there is concern that there will not be appropriate storage capacity to keep the records indefinitely.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are currently no other programs that provide the same function as the Advertising Review Committee and department.

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

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

The goal of the Advertising Review Committee and department staff is to ensure that attorney advertising materials are not false, misleading, or deceptive. When reviewing advertisements, careful consideration is given with respect to how the public might perceive the context of the advertisement. The rules allow attorneys to market their services in a variety of formats and are not overly restrictive. The rules simply require attorneys to be accurate and truthful about the legal services they advertise and they require certain disclosures and disclaimers.

The Advertising Review Committee receives an average of 2,500 applications per year. Since its inception in 1995, the committee has received 16,872 applications.

***Advertising Review Committee Applications Received
Since Program Inception in 1995
(as of 5/31/01)***

<i>Action Taken</i>	<i>Number</i>	<i>Percentage of Total</i>
Approved	13,428	79.59%
Disapproved	3,098	18.36%
Referred to grievance system	126	0.75%
Pending review	0	0%
Reviewed pending corrections	168	0.99%
Exempt ads submitted ¹⁰	52	.31%

¹⁰No longer categorized.

**Types of Advertisements
Received Since Program Inception in 1995
(as of 5/31/01)**

<i>Types of Advertisements</i>	<i>Number</i>	<i>Percentage of Total</i>
Yellow page ads	4,277	25%
Websites	1,434	9%
Television/radio ads	4,173	25%
Magazine/newspaper	3,367	20%
Solicitation letters	2,073	12%
Brochure/newsletter	570	3%
Other	978	6%
TOTAL	16,872	

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please 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.

The Advertising Review regulatory program is mandatory for all licensed Texas attorneys who choose to advertise. This type of regulation is important to ensure that the public is not harmed due to misleading or deceptive advertising by attorneys. Advertisements that are false and misleading may coerce consumers into choosing legal counsel who may not be qualified to handle the case or convince consumers to pursue a legal remedy that may not be appropriate.

If non-compliance by an attorney is identified, the committee has the option to handle the matter administratively. The department sends a letter to the non-compliant attorney notifying him or her of the failure to file their advertisement with the committee in a timely manner. (See State Bar Exhibit 23, Non-Filer

Application Process.) As a result the attorney must pay a \$150 penalty in addition to the filing fee of \$50. (See Question H for updated fee information.)

Non-compliance cases may also be forwarded to the Office of the Chief Disciplinary Counsel for grievance proceedings if an attorney is found to be in violation of Part VII of the TDRPC. This is used as a last resort when an attorney fails to cooperate with the Advertising Review Committee's requests.

Once materials are forwarded to the chief disciplinary counsel's office, the complaint goes through the disciplinary process where an attorney, if found in non-compliance, could be reprimanded (privately or publicly), suspended, or disbarred depending on the results of the findings.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

State Bar of Texas Advertising Review Exhibit 14: Complaints Against Advertising Attorneys – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of advertising complaints received	44	33
Number of advertising complaints resolved (attorney complied with regulations)	44	26 ¹¹
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	1 - 2 months	1 - 2 months
Total number of entities regulated by the agency	all licensed Texas attorneys who advertise	all licensed Texas attorneys who advertise

State Bar of Texas – Public Protection Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Board of Legal Specialization (TBLS)
Location/Division	505 East Huntland Drive, Suite 400 Austin, TX 78723
Contact Name	Gary McNeil, Executive Director
Number of Budgeted FTEs, FY 2000	10
Number of Actual FTEs as of August 31, 2000	9

¹¹Unresolved complaints are pending in the administrative process.

Note: The Texas Board of Legal Specialization is a 12-member board created by the Supreme Court whose members are appointed by the president of the State Bar. The board is charged with the responsibility of establishing policy for the voluntary specialty certification program for attorneys and legal assistants in Texas.

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Texas Board of Legal Specialization administers a voluntary certification program for attorneys and legal assistants. Such certification not only increases the professionalism of attorneys, but also protects the public by certifying only those attorneys and legal assistants who meet the high standards set by TBLS.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

This program was created in 1974 by the Supreme Court of Texas for the purposes of improving the quality of the services of attorneys to consumers in specific areas of the law and promoting the availability and accessibility of consumers to those services. Voluntary certification for legal assistants was added in 1994. Attorneys are required to document experience and continuing legal education in the specialty area, provide satisfactory peer review, and pass a written examination.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The program was created by the Supreme Court of Texas to recognize the defacto existence of specialization in the law, provide standards for formal recognition of attorneys who concentrate in specific areas of law, and provide information to consumers about those who are formally recognized. Other than adding a process for certifying legal assistants, the functions have not changed from the original intent. It is anticipated that there will be a continuing need for the program to continue such recognition.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The program serves attorneys, legal assistants, the judiciary, and the public. There are currently about 6,500 certified attorneys and about 325 certified legal assistants.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

There are four major aspects to administrating the certification program: original applications for certification; exam administration; applications for recertification; and annual reporting. Advisory and exam commissions have been established in each specialty area to assist TBLS in program administration.

C Original Application

Applicants seeking original certification must complete an application form that documents the applicant's experience and continuing legal education, provides names of individuals providing peer review, and lists any disciplinary sanctions imposed on the applicant. Staff reviews the applications and sends peer review documentation to persons selected by the applicant and to others selected by TBLS. The forms are mailed *directly* to those selected for peer review and mailed *directly* back to TBLS, with no involvement of the applicant. After staff compilation, applications are reviewed by advisory commissions, consisting of six to nine volunteers who work in the specialty area and who are appointed by TBLS. Advisory commission members review the applications and make recommendations on each application to TBLS. Finally, TBLS reviews advisory commission recommendations and makes the final decision on whether to approve or deny an application. Approved applicants are notified and given exam information. Applicants who are denied are notified of their right to request reconsideration of their application before the administration of the exams.

C Exam Administration

TBLS administers a six-hour written exam to attorneys and a four-hour written exam to legal assistants. The exams are prepared by exam commissions appointed by TBLS and made up of three to six volunteers practicing in the specialty area of the exam. Exam drafters prepare questions which are then reviewed by a board of editors, a seven-member committee appointed by TBLS. The editors concentrate on grammatical accuracy and compliance with the drafting guidelines adopted by TBLS. They coordinate their work with the question drafters. Exams are graded anonymously with the graders recommending a passing score to TBLS. The passing score in each specialty area is determined by TBLS. The overall pass rate for the examinations is approximately 70 percent.

C Applications for Recertification

Certified attorneys and legal assistants must apply for recertification every five years. They complete a written application to confirm their required practice in the specialty area. They must also show that they have met the continuing legal education requirements, have undergone peer review, and have not been subject to disciplinary sanction. Applications that are not in compliance with applicable standards are reviewed by the appropriate advisory commissions. Recommendations are made by the commissions to TBLS for action. As in original certification, the TBLS makes the final decisions on applications for recertification.

C Annual Reporting

Certified attorneys and legal assistants are required to file an annual report with TBLS stating the amount of time spent in their specialty area. They must also report whether they have been subject to disciplinary or criminal sanction. An attorney or legal assistant who does not meet the required amount of practice for two consecutive years is subject to revocation of certification. Those attorneys who are subject to disciplinary or criminal sanctions are reviewed by TBLS as soon as possible. TBLS has reviewed the disciplinary sanctions of approximately 20 certified attorneys per year for the past three years. A determination is made as to whether action should be taken concerning their certification. Actions by TBLS include: revocation of certification, suspension of certification, and imposition of a period of probation.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TBLS does not work with any federal government agencies or local units of government. However, TBLS does rely extensively State Bar membership, disciplinary, minimum continuing legal education records.

H. Identify all funding sources and amounts for the program, 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).

Funding is provided by the payment of fees of those seeking certification or recertification. Those fees are as follows:

Attorneys

Original Certification Filing Fee - \$150
Examination Fee - \$250
Annual Fee (once certified) - \$100
Recertification Fee - \$50

Legal Assistants

Original Certification Filing Fee - \$50
Examination Fee - \$100
Annual Fee (once certified) - \$25
Recertification Fee - \$15

Additionally, a fee of \$50 is charged to attorneys who appeal a denial of certification and a reinstatement fee of \$100 is charged for an attorney whose certification was administratively revoked but then reinstated after curing the reason for revocation.

Private entities that wish to be accredited by the TBLS must pay an application fee of \$1,000 for each initial specialty area to be recognized and \$500 for each additional specialty area.

TBLS collected approximately \$913,000 in fees in FY 2000.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current funding is adequate to cover all expenses of administration.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

We have not found any entities which offer comparable services or programs.

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

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see the TBLS web site, www.tbls.org, which includes a directory of certified attorneys. Also see State Bar Exhibit 24, a roster of members of TBLS as well as volunteers on TBLS committees.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please 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.

The certification program of the Texas Board of Legal Specialization is a regulatory program, but one of a unique nature. The program is voluntary. Legal assistants and attorneys may participate in it if they wish, but they are not required to do so in order to practice their respective professions. The purpose of the program is to identify those individuals who have attained a level of experience and expertise in their areas of work. The attorneys who are so recognized are a source of representation to members of the public and a source for referrals or consultations to other attorneys. The legal assistants who are so recognized provide a source of help to attorneys who work in the specialty areas and a source of confidence to clients of attorneys who have a certified legal assistant working for them.

Attorneys and legal assistants are required to apply for recertification every five years. Additionally, they are required to file an annual report with TBLS each year to confirm that they are still active in the specialty area in which they are certified. Failure to file the application will result in the expiration of certification and failure to file the annual report will result in revocation of certification. The failure to maintain sufficient legal work in the specialty area can also be the basis for revocation of certification. The filing of these documents is also used as a means of determining whether any disciplinary sanction has been imposed against someone certified by TBLS. Each sanction is reviewed by the appropriate advisory commission and a recommendation made by the advisory commission to the TBLS concerning the appropriate action to be taken on it. That action can be revocation, suspension, or probated suspension of the certification. A hearing is provided if requested and the TBLS makes the final determination on the matter.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency's practices.

State Bar of Texas Texas Board of Legal Specialization Exhibit 14: Examination Process – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of applications to take specialty certification exam	492	485
Number of applicants approved to take specialty certification exam	440	450
Number of examinations	356	343
Number of those passing the examination	206	230
Number of those failing the examination	150	113

III. PUBLIC SERVICE

The professionalism and public protection core competencies provide public services by assuring access to the legal system and improving the delivery of legal services to the public. The State Bar has also made public service a core competency by providing a number of valuable services and programs to the public that affect the public's ability to obtain legal services and understand the legal system.

The Public Service core competency serves the following purposes as listed 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 (in alphabetical order):

- C *Gov. Bill and Vara Daniel Center for Legal History*
- C *Law-Related Education*
- C *Lawyer Referral and Information Services*
- C *Texas Lawyers Care*
- C *Texas Young Lawyers Association*

Affiliated boards:

- C *Texas Bar Foundation*
- C *Texas Equal Access to Justice Foundation*

State Bar of Texas – Public Service	
Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Gov. Bill and Vara Daniel Center for Legal History
Location/Division	Texas Law Center, P1
Contact Name	Hank Bass, Director
Number of Budgeted FTEs, FY 2000	1.75
Number of Actual FTEs as of August 31, 2000	1.75

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

- C Preserve State Bar of Texas records

- C Collect historical materials of the Texas legal profession
- C Provide assistance and information for telephone requests and researchers
- C Develop educational exhibits and programs
- C Supervise the records management program

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The activities described above began in 1986 with the hiring of the first State Bar archivist. The initial work of that archivist prepared the way for the formal acquisition of space in the Texas Law Center and its dedication May 3, 1991, as the Gov. Bill and Vara Daniel Center for Legal History. The staff of the Gov. Bill and Vara Daniel Center for Legal History also administers programs of the State Bar Committee on the History and Traditions of the Bar and Historical Preservation. In addition to holding and preserving State Bar records, the Gov. Bill and Vara Daniel Center for Legal History holds the historical collection of the Texas Bar Historical Foundation, a bar-related 501(c)(3) organization.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

See State Bar Exhibit 25 “A New Beginning for Texas’ Legal Past.” The Gov. Bill and Vara Daniel Center for Legal History stores permanently valuable State Bar records. It also collects papers and artifacts associated with Texas legal history both to make them accessible to researchers and use them in educational exhibits and programs. Its collective objectives in these areas are unique in the state and are not served by any other entity. The Center’s staff have served as official State Bar records managers and will continue in a supervisory records management capacity in order to ensure the success of one of the Center’s primary goals—preservation of State Bar historical records.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Gov. Bill and Vara Daniel Center for Legal History serves the public. There are no eligibility requirements for users. Attorneys and law firms often use the Center’s services to access older continuing legal education materials as well as books published by the State Bar of Texas. Historical researchers often seek information about attorneys and changes in the Texas legal and judicial system, as do family members doing genealogical research. The Center gets nearly 400 requests for information per year from outside the State Bar of Texas.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Gov. Bill and Vara Daniel Center for Legal History has a director in charge of daily operations and an archival specialist who works 30 hours per week organizing archival materials and consulting with

departments concerning records management. Both the director and archival specialist answer requests for information. The History and Traditions of the Bar and Historical Preservation Committee is an official State Bar entity that advises and consults with the Center on policy making. The Texas Bar Historical Foundation is an independent non-profit educational organization that owns the privately donated papers and artifacts in the Gov. Bill and Vara Daniel Center for Legal History and works to promote the Center's historical objectives.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 Gov. Bill and Vara Daniel Center for Legal History is at the present funded completely by the State Bar of Texas. In 2001-2002 the proposed budget is \$101,835. The Center has a \$50,000 endowment through the Texas Bar Historical Foundation, but that money is intended to be used as seed money to increase the endowment. The Gov. Bill and Vara Daniel Center for Legal History has no current grants but does plan to apply for grant funds for specific publishing and exhibit projects.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Funding for 2001–2002 is sufficient to carry on the program and meet daily goals and requirements. Extra funds will be necessary in a future budget for input of information into a new archival software program that will make the Center's resources more accessible to the public. Funds for that project were not requested in the 2001–2002 budget. The Gov. Bill and Vara Daniel Center for Legal History will be looking to the Texas Bar Historical Foundation to coordinate fundraising for two major future projects—publication of a book on the history of the Texas Bench and Bar, and design and fabrication of permanent historical exhibits in the lobby of the Texas Law Center.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are no other agencies that focus their collecting and interpretation efforts in the same areas as does the Gov. Bill and Vara Daniel Center for Legal History. The Gov. Bill and Vara Daniel Center for Legal

History collects the records of the State Bar of Texas and papers and histories of working lawyers and law firms. The Center for Legal History intends through these activities to collect resource materials that evidence growth and change in Texas legal institutions and the state’s legal profession, as well as to document the leaders in those changes. The Tarlton Law Library at the University of Texas collects materials on legal history, but seems more focused on rare books and the products of scholarship. The State Law Library focuses on collecting statutory and case law. The Texas State Library and Archives and the Texas State Historical Association overlap the Center’s activities in some areas, as these organizations collect materials related to lawyers who were prominent in political and civic fields. The Texas Supreme Court Historical Society limits its collecting to materials associated with the Texas high courts.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency’s customers.

The Gov. Bill and Vara Daniel Center for Legal History is scheduling meetings with representatives from other institutions and organizations who collect legal materials. The purpose of these meetings is to determine exactly what the other organizations collect so that efforts are not duplicated.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

As an official body of lawyers run by lawyers, charged by the Legislature and the Texas Supreme Court with responsibilities for setting standards and rules by which the legal profession in Texas operates, the State Bar of Texas and its records are an important historical resource for future study of the evolution, development, and practice of law in Texas. Some of the older records of the State Bar of Texas and its predecessor, the Texas Bar Association, were lost because no one entity or department was charged with their preservation. The creation and continued operation of the Gov. Bill and Vara Daniel Center for Legal History is intended to ensure that never happens again.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Service Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Law-Related Education (LRE)
Location/Division	Texas Law Center, Suite 607
Contact Name	Jan Miller, Director of LRE
Number of Budgeted FTEs, FY 2000	4
Number of Actual FTEs as of August 31, 2000	4

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Law-Related Education (LRE) Department of the State Bar serves as a catalyst to advance law related and civic education programs throughout the state. Working with the legal community, public and private school districts, universities, and Regional Educational Service Centers, the department administers numerous programs designed to improve the administration of justice and promote civic participation and competence.

In administering these law-related and civic education programs, the department is held accountable to, and fulfills the mission of, Law Focused Education, Inc., a non-profit corporation established in 1975 and the Law Focused Education Committee, a standing committee of the State Bar of Texas. The department provides staff and program support to both these entities in tandem with its work as a department of the State Bar of Texas.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

LRE was established to support the development of responsible citizenship and effective participation in our nation's legal system. The State Bar is in an optimal position to pursue these purposes because of its access to the legal community and its ability to leverage attorney resources in support of Texas educators who are committed to civic and legal development.

Law Focused Education, Inc.

The mission of the State Bar of Texas Law Focused Education, Inc. is to plan, promote, and support law-related education programs which are aimed at preparing elementary, middle, and high school students for effective, responsible citizenship, and which are committed to liberty, justice, and the rule of law. It was created in 1975. Law Focused Inc. has a non-profit advisory board that helps oversee State Bar efforts and is also structured to receive grant funding for law-related education projects.

Law-Related Education Department

In 1983 the State Bar of Texas created the Law-Related Education Department to act as the clearinghouse for all law-related education programs in Texas, and implement the vision of Law Focused Inc. The LRE Department has evolved to include the following purposes which complement the long-range goals of Law-Focused Education, Inc.:

- C To create educational curriculum materials for teachers and attorneys which promote an increased understanding of law, government, and citizenship.
- C To provide a variety of training opportunities for pre-service teachers, teachers, administrators, law enforcement officers and attorneys.

- C To seek and the administer grants that will advance law related and civic education opportunities for students in Texas.
- C To collaborate with other State Bar programs and school districts to promote the understanding of the legal profession and the rule of law.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The formation of the Law-Related Education Department 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.”

We foresee that there will always be a need for law-related education and that the program will continue to be needed.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The audience served by this department is primarily the teachers and students at public and private schools and universities throughout the state. For the past two years the LRE staff also have worked with home school networks around the state.

The LRE Department provides inservice programs and institutes that reach over 2,000 teachers per year and annually conducts over 90 training sessions and workshops on a variety of law-related topics, around the state. Programs and organizations such as the United Way, city housing authorities, and local law enforcement agencies have used LRE materials and attended training sessions.

Texas attorneys and judges are also served by the program, which provides them a variety of information, curricula, and strategies that facilitate presentation of law-related and civics issues directly to students in the classroom.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Law-Related Education Department can be divided into three areas of responsibility:

<p>I. Curriculum Development</p>	<p>C is a year round process, C staff creates and updates materials to support institutes, workshops, and grants, C all curricula are correlated with basic classroom and grade-level requirements set by the Texas Education Agency such as the Texas Essential Knowledge and Skills (TEKS) objectives for Social Studies and the Texas Assessment of Knowledge and Skills.</p>										
<p>Performance Measures</p>	<table> <thead> <tr> <th><i>Measure</i></th> <th><i>FY 2000</i></th> </tr> </thead> <tbody> <tr> <td>-Number of elementary level curricula distributed</td> <td>3,400</td> </tr> <tr> <td>-Number of secondary level curricula distributed</td> <td>145</td> </tr> <tr> <td>-Number of CIVITAS curriculum booklets distributed</td> <td>90</td> </tr> <tr> <td>-Number of attorneys who requested materials</td> <td>75</td> </tr> </tbody> </table>	<i>Measure</i>	<i>FY 2000</i>	-Number of elementary level curricula distributed	3,400	-Number of secondary level curricula distributed	145	-Number of CIVITAS curriculum booklets distributed	90	-Number of attorneys who requested materials	75
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<p>II. Educator Training</p>	<p>C is conducted throughout the year, C requests for training come from school districts, education service centers, local bar associations, universities, and social studies organizations, C training sessions can last from one hour to 40 hours (one week) in length, C the LRE staff conducts most of the training sessions, but a group of trained consultants is used to help when needed, C one two-day general conference is held each February for approximately 125 teachers from around the state, C two one-week institutes are held in the summer and have a specific focus such as the court system in Texas and the interplay between law and the humanities. Each summer institute is attended by approximately 25-30 educators.</p>										
<p>Performance Measures</p>	<table> <thead> <tr> <th><i>Measure</i></th> <th><i>FY 2000</i></th> </tr> </thead> <tbody> <tr> <td>-Number of LRE Institute Participants and Students Affected</td> <td>76/10,900</td> </tr> <tr> <td>-Number of LRE Workshop Participants and Students Affected</td> <td>1,492/210,350</td> </tr> <tr> <td>-Number of LRE Conference Participants and Students Affected</td> <td>109/12,225</td> </tr> <tr> <td>-Number of Hatton W. Sumners Participants and Students Affected</td> <td>364/48,100</td> </tr> </tbody> </table>	<i>Measure</i>	<i>FY 2000</i>	-Number of LRE Institute Participants and Students Affected	76/10,900	-Number of LRE Workshop Participants and Students Affected	1,492/210,350	-Number of LRE Conference Participants and Students Affected	109/12,225	-Number of Hatton W. Sumners Participants and Students Affected	364/48,100
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<p>III. Grants Administration</p>	<p>C Staff administers grants from three major sources: the Hatton W. Sumners Foundation, the Center for Civic Education, and the National Crime Prevention Council.</p> <p>C Administration of the various grants includes both curriculum development and educator training. Each program administered through a grant has a specialized curriculum.</p> <p>C The Hatton W. Sumners Institutes on the Founding Documents consist of three different levels, varying in terms of detail and topics covered, which require different sets of curriculum materials for each level. Two institutes are conducted during the school year and five are held during the summer.</p> <p>C The Center for Civic Education and National Crime Prevention Council materials are already developed, and are distributed through the LRE Department to schools and service organizations.</p>								
<p>Performance Measures</p>	<table border="0"> <tr> <td><i>Measure</i></td> <td><i>FY 2000</i></td> </tr> <tr> <td>Number of Project Citizen Sites in Texas</td> <td>50</td> </tr> <tr> <td>Number of We the People sites in Texas</td> <td>270</td> </tr> <tr> <td>Number of Community Work sites established</td> <td>21</td> </tr> </table>	<i>Measure</i>	<i>FY 2000</i>	Number of Project Citizen Sites in Texas	50	Number of We the People sites in Texas	270	Number of Community Work sites established	21
<i>Measure</i>	<i>FY 2000</i>								
Number of Project Citizen Sites in Texas	50								
Number of We the People sites in Texas	270								
Number of Community Work sites established	21								

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Department of Education provides funding for the Center for Civic Education programs. LRE receives funding from the Center for Civic Education (CCE) to implement the following programs:

- C We the People - focusing on the Constitution and the Bill of Rights,
- C Project Citizen - focusing on civic education for middle school students, and
- C CIVITAS - an international civic education exchange program.

The Department of Justice provides funding to the National Crime Prevention Council (NCPC). LRE receives funding from NCPC to establish *Community Works* sites throughout Texas. The program promotes student involvement in communities.

H. Identify all funding sources and amounts for the program, 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).

Source of Funding	Grant	Duration	Amount
State Bar of Texas		June 1, 2000- May 31, 2001	\$250,425
Center for Civic Education	We the People	May 1, 2000- April 30, 2001	\$38,000
Center for Civic Education	Project Citizen	May 1, 2000- April 30, 2001	\$10,000
Center for Civic Education	CIVITAS	Sept. 1, 2000-August 31, 2001	\$12,500
Hatton W. Sumners Foundation	Institutes	June 1, 2000- May 31, 2001	\$300,000
Hatton W. Sumners Foundation	Essay contest	June 1, 2000- May 31, 2001	Taken out of institute budget.

National Crime Prevention Council	Teens, Crime and the Community	October 1, 2000-September 30, 2001	\$14,000
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I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes, funding is appropriate as long as LRE continues to receive grant funding.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The Texas Young Lawyers Association (TYLA) has a law-related education component which the LRE Department supports by assisting in curriculum development. TYLA produces the material and then matches attorney volunteers to implement the programs in schools. The LRE staff helps TYLA staff and members promote programs at LRE workshops, institutes, and conferences around the state.

The LRE Department is the only entity in the state dealing with law-related education subjects. There are programs dealing with other areas of social studies such as the Texas Geographic Alliance and Texas Council of Economics.

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

To avoid any duplication or conflict, the president-elect of the Texas Young Lawyers Association coordinates with LRE when planning educational projects. LRE then helps with the development of the curriculum and suggests teachers who can pilot the curriculum.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

See State Bar Exhibit 26.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Service Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Lawyer Referral Information Service (LRIS)
Location/Division	Texas Law Center, Suite 506
Contact Name	Gene Major, Director of LRIS
Number of Budgeted FTEs, FY 2000	5
Number of Actual FTEs as of August 31, 2000	4

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The State Bar of Texas Lawyer Referral Information Service (LRIS) helps the public receive access to legal representation on a statewide and nationwide basis. Attorneys receive access to a source of fee-generating cases, pro bono opportunities, and case development.

The department’s primary goals are to certify and oversee lawyer referral services in Texas, operate a statewide lawyer referral service for the non-metropolitan areas of Texas, promote and expand the use of the statewide service, and monitor lawyer referral and related issues, information, and trends.

LRIS operates two toll-free telephone numbers nationwide. On a daily basis the staff operates mainly through phone contact with clients and attorneys. The staff also corresponds in writing with attorneys, clients, and inmates.

The program takes an active role in partnering with local lawyer referral services that are affiliated with local bar associations in the major metropolitan areas of the state such as Houston, Dallas, Austin, and El Paso. There are a total of 13 local lawyer referral services in the state. In terms of attorney membership and referrals provided, these referral services have jurisdiction over their specific metropolitan area and county, while the State Bar LRIS focuses on serving the non-metropolitan areas of the state. The State Bar LRIS and the local referral services work together to ensure that all public inquiries are directed to the most appropriate referral service.

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

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The State Bar's standing committee on LRIS has been active since 1960. 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 serves the public by facilitating its access to qualified attorneys. The standing committee, as specified by State Bar Board of Directors Policy Manual, Section 14.01.04, continues to assist and coordinate the work of the local lawyer referral services. This section of the Policy Manual also directs the State Bar LRIS to avoid duplication of services with the local bar-sponsored lawyer referral services by ensuring that callers from a major metropolitan area/county are appropriately referred to the local referral service in that area.

In keeping with the State Bar of Texas' emphasis on providing access to legal representation, while safeguarding the public against unscrupulous activities and supporting the advent of local bar associations implementing their own referral services, the Texas Legislature enacted the Texas Lawyer Referral Service Quality Assurance Act in 1983. Originally codified as Vernon's Ann. Civ. St., Art. 320d, the Act underwent a nonsubstantive recodification in 1999, and is now cited as V.T.C.A., Occupation Code, Title 5, Subchapter B, Chapter 952. The Act specifies what constitutes a referral service and which types of organizations are exempt. The statute also designates an enforcement mechanism for non-compliant services. By providing standards as well as an enforcement mechanism, the Act helps protect against deceptive lawyer referral services. In addition, the State Bar Board of Directors has adopted rules for the LRIS participant-members and the State Bar LRIS has developed regulations for the certification of lawyer referral services.

There are also compliance measures in the Texas Disciplinary Rules of Professional Conduct (TDRPC) that guide individual attorneys who belong to or are contemplating joining a referral service. Rule 7.03 prohibits a lawyer from participating with or accepting referrals from a lawyer referral service unless the lawyer knows that the service is in compliance with the Texas Lawyer Referral Service Quality Assurance Act.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The purpose of the State Bar LRIS program has remained consistent with the original conception of the program with the addition of the regulatory provisions outlined in Question C above. The program continues to provide valuable access to legal representation, especially in the rural areas of the state. Based upon the increase in both referrals and attorney membership, the program will always serve a valuable function.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The program serves the public by providing affordable access to qualified legal representation. The State Bar of Texas LRIS serves the eligible attorney members of the Bar by providing them a source of revenue, client development, and pro bono opportunities.

In fiscal year 2000, approximately 9,000 Texas attorneys were eligible to join the service. An estimated 500 attorneys (or 5.6 percent of the eligible attorney population) were members of the service. By the end of calendar year 2000, LRIS had fielded over 94,000 phone calls, made over 49,000 referrals to attorney-members, and had approximately 700 attorney-members on the service. By the second quarter of calendar 2001, the service had 982 members and made over 20,500 referrals. On average, the State Bar LRIS fields 6,677 calls per month.

Attorney qualifications for joining the State Bar LRIS are that the attorney be in good standing with the State Bar and abide by the statutory provisions that govern lawyer participation and limitations on client fees. All local referral services must comply with the statutory provisions governing certification with the State Bar LRIS as well as ensuring that their attorney members abide with the regulations on lawyer participation and limitations to client fees.

There are no eligibility requirements for the public to receive lawyer referral services or benefits. If a client is from a metropolitan area covered by a certified local referral service, the State Bar LRIS provides the client with the phone number to the appropriate local service.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

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

- C The service has an automated call distributor (ACD) that routes calls to three customer service representatives.
- C The ACD also has a message that plays information regarding the State Bar LRIS. If the caller is calling from an area that has a certified local referral service, that local service's phone number is given to the caller.
- C The customer service representative asks the caller to name the county where the referral is needed. (Again if it is a county that is covered by a certified local referral service, that service's number is given out.) The customer service representative also gets a brief description of the problem.
- C The customer service representative accesses the LRIS database by county and type of practice. The customer service representative asks for the client's name and phone number (all records are confidential) and gives the client the attorney's name and phone number.
- C The client is instructed to tell the attorney's office that they were referred by the State Bar of Texas.
- C The phone process is similar to the one used for responding to e-mail inquiries.

The State Bar LRIS also gives out information regarding legal aid, legal hot lines, courthouse information, and other states' referral service information.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 funding for the State Bar LRIS comes from the State Bar of Texas General Fund. The State Bar LRIS charges a \$50 annual membership fee, with a discount of up to \$45 off the annual fee (after the initial year of membership) if the attorney provided specified pro bono services to at least three clients (see State Bar Exhibit 27).

All applications for initial certification as a lawyer referral service must include a \$150 certification fee. The fee for renewal of certification as a lawyer referral service is \$75.

All revenue generated by the LRIS goes into the State Bar of Texas General Fund. On average, the service collects \$35,000 in fee revenue annually which comprises approximately 11 percent of its total budget. The LRIS budget for 2001-2002 is \$258,418. FY 2000 expenditures were \$213,906.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The levels of funding are adequate to maintain the current levels of service.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

As previously described in Questions B, C, and E, the local bar associations that operate in the major metropolitan areas of the state have their own referral services which are certified by the State Bar LRIS.

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

The primary differences between the State Bar LRIS and the certified local referral services are that the majority of the certified local referral services require attorney members to carry malpractice insurance *and* that a percentage of attorney earnings from each referral is sent back to the referral service.

The 13 certified local referral services are operated by or affiliated with the: Corpus Christi Bar Association, Dallas Bar Association, Dallas Criminal Defense Lawyers LRS, El Paso Bar Association, Harris County Bar Association, Harris County Criminal Defense Lawyers, Houston Lawyer Referral Service Inc., Jefferson County Bar Association, North Dallas Bar Association, Plano Bar Association, San Antonio Bar Association, Tarrant County Bar Association, and Travis County Bar Association.

Please see Section VII, Question J, for contact information for the certified lawyer referral services.

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

Efforts are made by both the State Bar LRIS and the local lawyer referral services to avoid duplication of services. In addition, the committee's composition has been structured to include five directors from the local referral services. This ensures that lawyer referral issues in Texas are addressed in an efficient and comprehensive manner by both the State Bar and the local referral services.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

During the last three years, the State Bar LRIS has grown from 230 attorney members to more than 980 participating members. Based upon the American Bar Association's *Profile 2000: Characteristics of an LRIS*, the State Bar LRIS' standing has increased from 58th (out of 303) in 1998 to 8th in 2000.

M. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. If this is a regulatory program, please describe:

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

C why the regulation is needed

Regulation was needed to stop the proliferation of entities operating referral services solely for profit. The fact that there was a void in the regulation of referral services was exploited by individuals, both attorneys and non-attorneys, who did not have service to the public as a primary goal. Abuses of 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 to establish guidelines for both the operation of a service and attorney participation in a referral service.

C 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. After the initial year, annual renewal applications are required. Included in both the initial application and subsequent renewal applications is a listing of attorneys who either want to or already belong to a 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, it is forwarded to the Appeals-Grant Review Committee of the State Bar Board of Directors for review.

In accepting the membership of a lawyer, the State Bar LRIS requires that the lawyer be in good standing and qualified to practice. The standing committee may conduct further investigations and require further information on the capability and character of any applicant or participant member.

C 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 an application for certification to the entity. If non-compliance is habitual, the information is forwarded to the Office of the Chief Disciplinary Counsel for review.

Attorney-members of the State Bar LRIS who are found to be in non-compliance with the service’s rules can be suspended from the service by the LRIS director, subject to a hearing before the standing committee.

C sanctions available to the agency to ensure compliance; and

The enforcement mechanism for shutting down non-compliant referral services is contained in Occupation Code § 952.203(a) of the Act which states that “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.”

C procedures for handling consumer/public complaints against regulated entities.

Each certified referral service has its own internal complaint procedure. Complaints sent to the State Bar LRIS are investigated by the State Bar LRIS and recommendations are then sent to the State Bar of Texas Office of Chief Disciplinary Counsel for review.

N. Please fill in the following chart for each regulatory program. The chart headings may be changed if needed to better reflect the agency’s practices.

State Bar of Texas Lawyer Referral Information Service Exhibit 14: Complaints Against Regulated Entities – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of complaints received	2	1
Number of complaints resolved	2	1
Number of complaints dropped/found to be without merit	0	0

Number of sanctions	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	one week	one day
Number of entities inspected or audited by the agency	13	13
Total number of entities regulated by the agency	13	13

State Bar of Texas – Public Service Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Lawyers Care
Location/Division	Texas Law Center, Suite 604
Contact Name	Julie Oliver, Executive Director of Texas Lawyers Care
Number of Budgeted FTEs, FY 2000	7
Number of Actual FTEs as of August 31, 2000	7

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Texas Lawyers Care supports the development and implementation of State Bar and Texas Access to Justice Commission policies and initiatives which are designed to enhance the quality and quantity of legal services available to low-income Texans.

Technical Assistance

- C New and Existing Pro Bono Programs
Total technical assistance contacts in 2000: 423
- C Information and Resource Clearinghouse
- C Annual Pro Bono Coordinators Retreat provides training, resource materials, and networking.
Approximately 80 individuals attended the fall 2000 retreat.

Malpractice Insurance

TLC administers the Texas Legal Services Network Malpractice Insurance Program, which provides professional liability coverage for pro bono and legal services programs. In FY 2000, premiums totaled \$80,158 for 63 programs.

State Bar Volunteer Support

- C Staff support to State Bar of Texas Board of Directors and State Bar committees
- C Staff support to other State Bar groups

Public Interface (Services with Direct Impact on the Public)

- C Referrals to low-income callers and prison inmates
- C Distribution of *Legal Services in Texas, A Referral Directory for Low-Income Texans*

Special Projects

Recent special projects include:

- C State Bar Immigration Project to expand private bar participation in pro bono legal services for immigrants and refugees. More than 450 attorneys were trained.
- C SSI for Kids Project to train and recruit of more than 700 volunteer and staff attorneys to represent thousands of disabled children being terminated from SSI (Supplemental Security Income) benefits. TLC staffed a statewide toll-free referral line that took more than 4,000 calls.
- C Pro Bono Asylum Representation Project (ProBAR). TLC administers this joint project of the American Bar Association and State Bar, which represents asylum applicants detained in south Texas.
- C State Planning

Public Relations/Recruitment

- C *Pro Bono Publico: A Directory of Pro Bono Programs in Texas*, published annually to facilitate volunteer recruitment.
- C *LegalFront*, a quarterly newsletter on legal services to the poor and substantive legal articles. Distribution is 2,100.
- C State Bar of Texas Annual Meeting/Bar Leaders Conference. The Texas Lawyers Care staff coordinates the Access to Justice educational track for Bar leaders during the annual conference. Texas Lawyers Care also conducts related activities during the State Bar's annual meeting.
- C Pro bono recruitment training. TLC periodically organizes continuing legal education (CLE) programs in poverty law to assist in recruiting and training volunteer attorneys for local pro bono programs.

Recognition, Retention & Reward of Pro Bono Attorneys

- C CLE Scholarships
Tuition scholarships awarded in fiscal year 1999-2000: 71 pro bono attorneys; 34 staff attorneys; and 4 with 50 percent discount
- C CLE Videotape Library for use by pro bono and staff legal services programs.
- C Administration of Pro Bono College of the State Bar

State Support Project

In 1996 after Congress had reduced federal funding for LSC, the State Bar Board of Directors decided to provide support for legal services staff programs.

- C Training
Annual Poverty Law Conference, 3 days of advanced training on poverty law issues.
CLE Seminars
Legal Services Task Forces for staff attorneys (which meet quarterly).
- C Publications
Attorney Desk Reference, legal outlines on 22 selected topics for poverty law practice.
Justice for All Calendar, contains basic legal information for low-income clients.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

In 1982, the federally-funded Texas legal services programs and the State Bar of Texas established Texas Lawyers Care to help create pro bono projects all over Texas. There are no statutory or other requirements for this program.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

As the number of pro bono programs has increased from 12 when TLC was created to more than 100 now, TLC's focus has broadened considerably. In 1982, the State Bar provided in-kind support and the Legal Services Corporation programs provided the budget for TLC. Now, the Bar provides the entire budget (\$626,000 in FY 2001). There will be a need for this program as long as the State Bar and related entities continue to support the effort to provide legal services to the poor.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

Services to providers of legal services to low-income Texans

C Technical Assistance

423 units of recorded service in 2000

C Texas Legal Services Network Malpractice Insurance Program

An organization is eligible for membership in the Network if the organization is: 1) A recipient of Texas Equal Access to Justice Foundation funds; or 2) a Texas recipient of Legal Services Corporation funds; or 3) a Texas nonprofit that provides civil legal services, if at least 50 percent of the services provided are free to Texans whose income is 175 percent of federal poverty guidelines or less.

63 programs enrolled in 2000

C Specialized training and publications for staff legal services attorneys, pro bono attorneys, pro bono coordinators, and non-attorney legal advocates.

Annual Poverty Law Conference

315 persons attending

Additional poverty law training for legal services and pro bono attorneys

241 persons attending

Attorney Desk Reference (ADR)

301 copies distributed

Services to low income members of the public

C Referrals

2,712 units of recorded service in 2000

C Community Education

23,000 *Justice for All* calendars distributed in 2000

C Legal Services in Texas: A Guide for Low-Income Texans

3,050 distributed in 2000

UNITS OF MEASURE	
Telephone Referrals	
1992	547
1993	641
1994	935
1995	1,210
1996	1,309
1997	1,392
1998	1,804
1999	1,768
2000	2,712
TOTALS	12,318

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

TLC is administered as a department within the State Bar and as the staff of the Texas Access to Justice Commission, created in April 2001, by the Texas Supreme Court and the State Bar of Texas.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Texas Lawyers Care has no formal relationships with any local units of government, but often provides technical assistance, referral directories, and other assistance to representatives of various units of government. Personnel from Area Agencies on Aging and local victim assistance coordinators are included in certain TLC activities. TLC and the State Bar have an informal relationship with the Legal Services Corporation, and TLC participates in the LSC-mandated state planning process in Texas.

H. Identify all funding sources and amounts for the program, 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 Lawyers Care budget is funded out of the State Bar General Fund. Periodically, TLC will obtain small one-time grants from foundations or contributions from individuals for special projects.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Additional funding would allow for the enhancement of all TLC services described above.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

While no other programs provide the same services as TLC, two other programs similarly address the entire access to justice delivery system in Texas. The Texas Equal Access to Justice Foundation distributes Interest On Lawyers' Trust Accounts funds and Basic Civil Legal Services funds for the Supreme Court. The Texas Legal Services Center provides litigation support to the staff legal services programs and handles some statewide systems advocacy litigation.

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

The Texas Access to Justice Commission is charged with statewide coordination of efforts to increase access to legal services for low-income people and to avoid duplication of effort. The TLC staff works cooperatively with the staff from both the Texas Equal Access to Justice Foundation and the Texas Legal Services Center to coordinate rather than duplicate efforts.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

The Texas Access to Justice Commission was created by the Texas Supreme Court and the State Bar of Texas in April 2001. TLC staffs the commission, which probably will result in some change in TLC's functions.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Service Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Young Lawyers Association
Location/Division	Texas Law Center, Suite 400B
Contact Name	Carol McCord, Director
Number of Budgeted FTEs, FY 2000	3
Number of Actual FTEs as of August 31, 2000	3

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

Texas Young Lawyers Association (TYLA) programs are specifically designed to impact the professional needs of lawyers, particularly young lawyers, and to benefit the public through the efforts of young lawyers. Its public service projects not only have broad public impact, but also promote a positive image of attorneys and bring recognition to the State Bar. Statistics reported from FY 1999-2000 show:

- C More than 18,000 students reached through TYLA curricula;
- C 58 juvenile justice courts using the Crossing the Line curriculum;
- C 5.5 million people potentially reached with "It's the Law" broadcasts (based on market share survey);
- C 50 percent of the publications distributed by the State Bar are created by TYLA;
- C More than 5,000 senior citizens served through TYLA's clinics conducted with local area agencies on aging; and

- C Volunteer attorney hours worth more than \$1 million reported for work with statewide TYLA committee projects (based on \$100/hr rate).

TYLA's purposes 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.

The major programs and activities that are currently in place to meet these broad objectives include:

Public Service

- C Public Information Pamphlets / It's the Law Consumer News Segments
- C Law-Focused Education Curricula
- C Senior Citizen Programs
- C Legal Services to the Poor Programs (LawTalk, colonias project, license plate)
- C Child Support Enforcement

Member Service

- C Local Affiliate Assistance & Development (Grants, Bar Leaders Conference, Technology)
- C Professional Development (continuing legal education, seminars)
- C Law Student Development (National Trial Competition, State Moot Court)
- C Promote Diversity (at-large board members, minority scholarships)
- C Recognition of attorneys/other associations

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Texas Young Lawyers Association (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 when the Legislature adopted the State Bar Act. It was one of the five original sections within the State Bar of Texas. The name was changed to the Texas Young Lawyers Association by a resolution passed in June 1977. It later became a department within the State Bar of Texas. 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 three years or less.

Although it is now a department of the State Bar of Texas, TYLA 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. The State Bar of Texas policy states 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.

Neither TYLA's existence nor function are required by statute. TYLA has distinguished itself as a primary "public service arm" of the State Bar of Texas and has proven to be one of the most active and innovative bar associations nationally in implementing projects designed to provide legal education and services to the public. TYLA strives equally hard to serve its members by developing programs and sponsoring seminars designed to aid and enhance the practice of law.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The Constitution of the Texas Junior Bar Association stated as its objects: "to organize local junior bar associations, to co-operate with and work in conjunction with the Texas Bar Association, and to further the purposes and policies of that Association, to advance the science of jurisprudence, promote the administration of justice, uphold the honor of the profession of the law, and establish more cordial intercourse among the younger members of the bar." 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 this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

TYLA serves the general public of Texas and the young lawyers of Texas. Specifically, TYLA attempts to educate the citizens of Texas about the law and their legal rights through a variety of means: pamphlets, curricula, nonprint media, and seminars or legal clinics. TYLA also serves its members in a variety of ways, primarily by sponsoring programs focusing on skills development of future lawyers, i.e., law students. TYLA helps develop local young lawyers associations and supports affiliated organizations in their efforts to provide public and professional service programs.

TYLA reaches out to as many people as possible, and generally there is no restriction on who may receive services or benefits. Obviously, specific programs may include criteria that would limit eligibility (e.g., local affiliate grant awards are limited to TYLA affiliates and are granted only to programs that further the purposes of TYLA).

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

TYLA executive officers, excluding the president, are elected by TYLA directors. The TYLA president is elected by the TYLA general membership. Members of the board of directors are elected by the general membership of young lawyers in the geographical region (or district) the director represents. There are four minority-at-large positions (two representing small cities, two representing large cities) appointed by the Minority Involvement Committee upon approval of the board of directors. And, the TYLA board includes several liaisons (representing the Supreme Court, law schools, law students, and the American Bar Association Young Lawyers Division) who are nonvoting members of the board.

TYLA receives its funding from the General Fund of the State Bar of Texas. The TYLA officers and board of directors determine the specific programs that will be implemented each year, and serve as the chairs of the committees responsible for actual implementation of these programs. The general membership of TYLA serves as members of TYLA committees on a voluntary basis. TYLA also relies on assistance from its local affiliates to implement its programs. TYLA staff assists the board and committees in an administrative capacity.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

TYLA continuously seeks opportunities for partnership with other State Bar committees, local bars, and governmental entities. There currently are no formal agreements for working with federal, state, or local units of government. However, the TYLA Needs of Senior Citizens Committee has developed a relationship with local area agencies on aging to provide legal education seminars for senior citizens across the state. The secretary of state cooperated with TYLA in developing the VoTexas curriculum for high school seniors, including permitting TYLA to use portions of the secretary of state's "Project VOTE" materials in the TYLA curriculum. And, finally, TYLA is working with the Texas Office of Attorney General on a child support enforcement project to allow volunteer lawyers to assist the attorney general in its child support enforcement efforts.

H. Identify all funding sources and amounts for the program, 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 State Bar General Fund provides the primary source of funding for TYLA. TYLA has been successful in seeking and receiving Texas Bar Foundation grant funds. Over the past four years, these grants have provided an average of 0.04 percent of TYLA's annual funding. Some TYLA programs receive in-kind contributions, such as the annual donation of law books from West Publishing given as awards to law students at TYLA's National Trial Competition. Occasionally TYLA programs generate revenue (e.g. registration

fees for seminars or competitions), which are returned to the State Bar General Fund. TYLA programs are not for profit.

In FY 2000-2001 the State Bar of Texas General Fund provided \$806,728 for TYLA's budget. TYLA was awarded a \$30,000 grant from the Texas Bar Foundation for the Borders & Boundaries curriculum project.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The current levels of funding are appropriate for TYLA to accomplish its goals and objectives. Because TYLA is a service-oriented organization, it will always work within its budget to provide programs of service to the public and service to the profession. TYLA is constantly evaluating its existing programs and identifying new programs to ensure they are meeting the purposes of the association. If a program appears to be unnecessary, it is eliminated; and if a new need arises, a program may be created to address that need. If TYLA's budget were significantly reduced, some programs likely would be eliminated. If TYLA's budget were significantly increased, some programs likely would be expanded or new programs created.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

TYLA is unaware of any other programs that provide identical or similar services on a statewide basis. Local young lawyer bar associations may serve similar services in certain regions of the state. Internally, State Bar committees tend to be more policy- and regulatory-driven than service-oriented and project driven, thus there is little overlap in functions within the Bar. To avoid duplication of efforts, the Bar has appointed TYLA liaisons to State Bar committees so that when possible they and TYLA can work together on projects. Regarding its relationship with state agencies, TYLA does not compete against other similar programs, but rather acts in a cooperative effort.

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

See response to question J.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

See State Bar Exhibit 28.

See Also

TYLA website: www.tyla.org

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Public Service Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Equal Access to Justice Foundation
Location/Division	815 Brazos, Suite 1000 Austin, TX
Contact Name	Lisa Melton, Executive Director of the Texas Equal Access to Justice Foundation
Number of Budgeted FTEs, FY 2000	7
Number of Actual FTEs as of August 31, 2000	5

Note: In 1984, the Supreme Court of Texas created the Texas Equal Access to Justice Foundation (TEAJF) to administer the Texas Interest on Lawyers' Trust Accounts (IOLTA) Program. The program's purpose is to collect interest earned on participating attorneys' and law firms' short-term trust funds, and to use the interest to fund non-profit organizations that provide civil legal assistance to low-income Texans. TEAJF is a 501(c)(3) non-profit corporation and a 509(a)(1) publicly supported foundation. The TEAJF Board of Directors has 13 members: six members and the chair of the board are appointed by the Texas Supreme Court and six members are appointed by the president of the State Bar of Texas.

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Texas Equal Access to Justice Foundation, also known as the Texas IOLTA (Interest on Lawyers' Trust Account) Program, allows attorneys to pool nominal and/or short-term deposits made on behalf of clients or third parties into one interest bearing account. Interest generated by these accounts is dedicated to funding non-profit organizations that provide free legal services in non-criminal matters.

There are three major program activities:

- C Working with participating financial institutions to maximize the revenue collected on IOLTA accounts.
- C Overseeing the annual attorney compliance process making sure all attorneys comply with the Supreme Court of Texas Order.
- C Assessing, awarding, and monitoring the grants program to ensure all funds are being used for direct legal services to poor Texans.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The voluntary Texas IOLTA Program was established in December 1984 when the Supreme Court of Texas authorized the creation of the Texas Equal Access to Justice Foundation (a 501(c)(3)). Texas was one of the first states to establish IOLTA as a way to fund legal services to the poor and improve access to the civil justice system. In December 1988, Texas was again in the forefront when the Supreme Court converted IOLTA to a comprehensive mandatory program.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

In 1997 when the Texas Legislature enacted the Basic Civil Legal Services (BCLS) Program, the Supreme Court of Texas appointed the Texas Equal Access to Justice Foundation to administer the grants process. The BCLS Program is funded by a filing fee add-on in civil court cases; it generates approximately \$3 million per year. It is difficult to imagine a time when the IOLTA or BCLS funding programs will no longer be needed since currently only 20 to 30 percent of the civil legal needs of low-income Texans are being met.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The funds granted to approximately 46 non-profit organizations statewide help fund legal services to low-income Texans in non-criminal, civil legal matters such as consumer finance, employment, family (divorce and child custody), juvenile, health, housing, income maintenance, and individual rights. In almost three-fourths of the cases, grantee organizations provide advice and counsel about the nature of the legal problem and available options or provide brief services, such as writing a letter or making a telephone call. Less than 20 percent of these cases go to trial or are negotiated by settlement. The remaining cases are handled primarily by referring clients to appropriate community service providers that are able to address individual situations. In grant year 1999-2000 more than 139,000 cases were closed by grantee organizations. Grantees use the most recent poverty level guidelines (125 percent of poverty) in determining eligibility of clients.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

TEAJF is administered by the foundation staff and a board of directors made up of nine attorneys and four non-lawyers. The Supreme Court of Texas appoints the chair and six board members. The president of the State Bar of Texas appoints the remaining six board members. In addition to setting policy for the foundation, the board serves as the grants review committee and makes recommendations to the Supreme Court of Texas on how the funds should be distributed annually. Board members serve three-year terms but may be re-appointed. One-third of the members' terms expire each year.

The program staff includes an executive director, associate director, director of grants, communications manager, and three administrative support staff. The executive director facilitates the work of the board of directors and is responsible for ensuring that the board's overall vision and long range goals are accomplished.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The foundation works closely with the Supreme Court of Texas in administering the BCLS funds. The foundation sends grant summaries to the Court annually. The Court approved all reporting forms that are used, as well as the schedule for paying the funds from the Office of the Comptroller. A member of the Court serves as a liaison to the TEAJF board.

H. Identify all funding sources and amounts for the program, 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).

TEAJF receives funds from the interest that is generated from IOLTA accounts that attorneys have in financial institutions across the state. These funds are money from the attorney's clients that are nominal in amount or that is being held for a short period of time. The funds average about \$5.3 million after service charges annually. These funds are distributed across the state according to the poverty population in each county. Under the BCLS rules, people who file lawsuits pay a small additional fee to the court. The Office of the Comptroller collects the additional filing fees on behalf of the Supreme Court. Those funds average about \$3.4 million annually. The foundation also receives private donations that are made voluntarily by attorneys when paying their State Bar membership dues each year.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The mission of TEAJF is to administer funds to create additional community capacity to provide legal services for low-income Texans. Approximately one-fifth of all Texas families live in poverty. The vast majority work, earning between \$8 and \$10 an hour, or \$1,400 to \$1,600 per month. After paying for basics such as food, shelter, clothing, and transportation, little or nothing is left. A legal emergency can literally bankrupt these vulnerable individuals and families.

Almost 50 percent of low-income Texas households have had at least one legal problem concerning which they could have benefited from legal advice. Yet lack of resources or information often leads them either to do nothing, take action on their own, or seek help from a non-lawyer third party. Unmet legal needs can cause, among other things, increased human suffering, decreased civility in our society, and increased taxes.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

Each state in the nation has a program similar to the Texas IOLTA Program. Most of these programs are mandatory; fewer are opt-out and approximately three states still have voluntary programs.

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

There is no duplication since each state has only one IOLTA program.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see TEAJF Annual Report (State Bar Exhibit 29).

State Bar of Texas – Public Service Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Texas Bar Foundation
Location/Division	Texas Law Center, Suite 605
Contact Name	Anne Yeakel, Executive Director of the Texas Bar Foundation
Number of Budgeted FTEs, FY 2000	2
Number of Actual FTEs as of August 31, 2000	2

Note: The Texas Bar Foundation is a 501(c)(3) charitable corporation created by the Board of Directors of the State Bar of Texas. Presidents of the State Bar of Texas, with State Bar board approval, appoint the members of the Texas Bar Foundation Board of Trustees to three-year staggered terms. As with any public charity, the Texas Bar Foundation operates within the limitations and requirements of the Internal Revenue Service. The foundation solicits charitable gifts from attorneys, and provides funding for law-related activities that benefit the public.

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Texas Bar Foundation solicits charitable gifts from Texas attorneys.

Donors are invited to become fellows of the foundation in recognition of their stature in the legal community. Each fellow is required to contribute \$2,000 to the foundation, and to restrict those gifts to endowment, so that the gift is in perpetuity. The \$2,000 may be paid out over 10 years. Only the earnings and growth of the gift (endowment) are used to fund the programs and activities of the foundation. When a fellow has completed the \$2,000 gift, he/she becomes a life fellow.

The solicitation of new donors is headed by the chair of the fellows of the Texas Bar Foundation. The Chair lines up a local district nominating chair for each of the 17 State Bar districts. The nominating chairs are given a quota based on the number of attorneys in the district. The quota is 1/3 of one percent of the licensed attorneys, plus the number of fellows who completed their \$2,000 gift in the prior year, plus any deceased in the district.

Each fall, all the donors are asked by direct mail to contribute. In the spring, all donors who did not contribute during the fall are asked again by direct mail to contribute.

In 1999-2000, the foundation began a new donor program—tribute gifts. These gifts are for a minimum of \$30,000 and give a donor or group of donors the opportunity to have a “named fund” at the foundation.

The Texas Bar Foundation holds the endowment funds

Since 1965, approximately \$8 million in permanently restricted gifts to the endowment have been received by the foundation. Using an investment advisor, Hester Capital Management, the board of trustees invests the endowment for safety and growth. At the end of fiscal year 2000, the market value of the investments was over \$12 million.

The Texas Bar Foundation makes grant awards to 501(c)(3) organizations that provide civil legal services to the poor and that serve those who turn to the legal system for protection.

In the budget process, the board determines the amount to be awarded each year. The foundation receives grant applications, and each application is reviewed in depth by at least one trustee. All trustees receive copies of all applications and comments of the trustee-reviewer in their materials prior to a board meeting. At the board meeting, applicants typically appear by conference telephone call to talk about their application. Grants are approved in part or in full, and applications are denied by majority vote of the board of trustees.

Applicants are notified, usually within five days, of the results of their applications. Every six months, grantees must report on their progress, and after a year give a final accounting.

Awards also are made to educate the public about their rights and responsibilities under the law, to enhance the administration of justice, and to promote excellence in the legal profession.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Texas Bar Foundation was created as a 501(c)(3) charitable organization by the State Bar of Texas Board of Directors in 1965 to serve as the charitable arm of the State Bar. The foundation must comply with all the Internal Revenue Service regulations that pertain to 501(c)(3) organizations. The foundation must also comply with Financial Accounting Standards Board requirements for reporting financial information.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

In the early years, the foundation primarily funded projects of State Bar sections or committees. By the 1980s organizations outside the Bar were receiving funding, primarily for educational projects, and by the late 1980s many projects were funded to encourage alternative dispute resolution and mediation. By 1990, many projects were being funded outside of the Bar sections. There was a new emphasis on the ethical practice of law and maintaining high standards of practice in the profession. It was at this time that the foundation established the Texas Center for Legal Ethics and Professionalism.

In the mid-1990s, following severe cuts in federal funding for the Legal Services Corporation (primary funding source for legal aid offices in Texas), the emphasis in grant making shifted to providing legal services for low-income people. In FY 2000, 56 percent of grant monies were earmarked for legal services or assistance for people who turned to the legal system for protection.

It is unlikely that there will cease to be a need to help low-income people and victims, to educate the public about the law, and to encourage improvements in the administration of justice. The foundation was established to continue in perpetuity (thus the emphasis on gifts to the permanent endowment), and it will continue to serve the needs of Texans in the future.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

It is difficult to estimate the number the people served because the foundation works through other charitable organizations. However, a single grant award to a legal services provider can assist literally thousands of individuals; this is particularly true of the grants for equipment that allows toll-free telephone hotlines to function. In general, grant awards are made only to 501(c)(3) organizations recognized by the Internal Revenue Service.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

This program (fundraising, investments, and grant making as described in Question B) is administered by a staff of two full-time employees, with assistance from a part-time student intern. State Bar Exhibit 30 includes a calendar that shows the time line for projects. There is a 37-page procedures manual for the office illustrating how the work is accomplished.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Since 1984, the foundation and the State Bar have worked under the terms of a memorandum of understanding whereby the Bar agrees to furnish the foundation's staffing needs. The Bar also provides office space, accounting, and personnel services for an annual fee.

H. Identify all funding sources and amounts for the program, 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 primary source of funding for the foundation is growth and earnings from the endowment. The amount available to the board for budgeting was established in January 1999. It equals five percent of the trailing three-year average value of the investment portfolio, plus all unrestricted gifts received in the prior year. By law, all growth is available for the board's use, but the board has a fiduciary responsibility to preserve the spending power of the investments for future generations. The five percent payout is standard in the industry and supported by historical investment returns.

Additions to the investment portfolio in the form of permanently restricted gifts to the endowment are not available for spending. As has been noted earlier, the restrictions preserve the original gift and only earnings or growth may be used to fund the programs and activities of the foundation. The foundation received unrestricted gifts in 2000 of \$169,825, and those dollars were available for use in 2001.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

The foundation's goals are set by the board in the context of available funding; consequently, the amounts always are adequate. There is growing need for foundation funds, and a goal is to increase the investment portfolio so that more Texans will be served.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The Texas Equal Access to Justice Foundation serves many of the same grantees as does the Bar Foundation, particularly legal aid offices. The Texas Bar Foundation, however, also serves the immigrant population (which TEAJF is precluded from serving), and has the broader mission which includes: education of the public about their rights and responsibilities, strengthening the administration of justice, and promoting excellence in the profession.

Local bar foundations serve smaller geographic areas such as Harris County, Dallas County, and Bexar County. These foundations have fewer dollars available to give and do not serve the broader constituency of all Texans.

The Texas Bar Foundation is the largest foundation of its type in the United States. All the work of the foundation is possible because of voluntary gifts from Texas attorneys.

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

The executive directors of TEAJF and the Bar Foundation talk regularly, and there has been an effort to have at least one board member serving on both boards. The effort to have linkage at the board level is handicapped by the busy schedule of the board members and the appointment process that depends entirely on the president-elect of the State Bar. Both organizations liaison with the Member and Public Services Division of the State Bar of Texas.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Mission:

The Texas Bar Foundation solicits charitable contributions and provides funding to enhance the rule of law and the system of justice in Texas, especially for programs that relate to the administration of justice; ethics in the legal profession; legal assistance for the needy; the encouragement of legal research, publications and forums; and the education of the public.

Please see Texas Bar Foundation annual report in State Bar Exhibit 31.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

IV. EXECUTIVE OFFICE

The Executive Office includes the top leadership of the State Bar staff. This office performs functions that not only support, but also coordinate, all of the core competencies to effectively carry out the administration of the State Bar.

The following programs are described in this section:

- C Executive Office (addressed in one program description) includes Executive Director, Chief Operating Officer, External Affairs Officer, Office of the General Counsel, and Governmental Relations Department

State Bar of Texas – Executive Office Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Executive Office
Location/Division	Texas Law Center, Suite 300
Contact Name	KaLyn Laney, External Affairs Officer
Number of Budgeted FTEs, FY 2000	12.25
Number of Actual FTEs as of August 31, 2000	7.25

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Executive Office consists of three key programs that support the executive director, the board of directors, and the lawyers and citizens of Texas: Office of the Executive Director, Office of the Chief Operating Officer and General Counsel (COO and GC), and External Affairs Officer (EAO) and Department of Governmental Relations.

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 staff division directors, facilitation of long-range planning, and coordination of special committees (at the board’s request).

The chief operating officer and general counsel is the number two staff executive officer. He reports to the executive director. This office is responsible for the overall daily internal operations of the organization as well as the duties and responsibilities of the general counsel’s office. Specific duties of the general counsel include serving as chief legal counsel to the board and the executive director providing legal advice, counsel, and opinions involving a broad range of legal subjects.

The external affairs officer and governmental relations director is the number three staff executive. She reports to the executive director. This office is responsible for the overall daily external operations of the State Bar, as well as the duties and functions of the Governmental Relations Department. In a broad view, the function of the external affairs officer is to establish and supervise a consistent information flow between the Executive Office and external constituencies. The Governmental Relations Department serves as the liaison to the Texas Legislature and other state and federal governmental entities. The department also manages and coordinates the State Bar's legislative program.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

While some form of the executive director function has existed at the State Bar since 1938, the COO and EAO positions were created in June 2001, thereby establishing a line of authority of: executive director, chief operating officer, and external affairs officer. The current structure was implemented to better coordinate the internal and external operations of the State Bar and facilitate information about those operations for the executive director.

Some duties of the executive director are statutory and are listed in Government Code §81.029. Duties of the general counsel and the general counsel's relationship with the board of directors are established in Government Code §81.030.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Prior to 1999, the Office of General Counsel administered the attorney disciplinary and disability system and served as chief legal counsel to the State Bar. In 1999, the functions were separated to better provide both of these important functions. The Office of General Counsel was designated as the chief legal counsel and discipline functions were assigned to the Office of Chief Disciplinary Counsel.

The executive staff leadership of the State Bar will always be needed to administer the policies established by the State Bar Board of Directors and manage State Bar staff and programs.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Executive Office staff 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 attorneys licensed in Texas, as well as the public.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The executive director administers all programs of the State Bar. The chief operating officer serves as an “assistant” executive director for internal matters; the external affairs officer serves as an “assistant” executive director for external matters. The division and department management team of the State Bar works with the COO and EAO to facilitate matters for the executive director.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The executive director serves as the primary contact for other state agencies with inquiries to address to the State Bar of Texas. Also, Executive Office staff interacts with the American Bar Association and the National Association of Bar Executives.

H. Identify all funding sources and amounts for the program, 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 Office is funded by the Bar’s General Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Yes, funding resources are adequate for the Executive Office.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

There are no other departments that provide executive leadership to the State Bar staff.

K. Discuss how the program is coordinating its activities to avoid duplication or conflict with the other programs listed in Question J and with the agency’s customers.

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

V. OPERATIONS

The departments included in this section provide operational support to the State Bar staff. This support enables the staff to successfully pursue efforts in the core competencies of professionalism, public protection, and public service.

The following programs are described in this section:

- C *Computer Services*
- C *Finance Division*
- C *Administration Division* (addressed in one program description) includes Human Resources and Purchasing and Facilities

**State Bar of Texas – Operations
Exhibit 13: Program Information — Fiscal Year 2000**

Name of Program	Computer Services
Location/Division	Texas Law Center, 5th Floor
Contact Name	Brad Powell, Director of Computer Services
Number of Budgeted FTEs, FY 2000	11
Number of Actual FTEs as of August 31, 2000	11

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The key services and functions of the Computer Services Department are:

C *Business Systems*

Business system support is provided by the programmer/analysts within the Department of Computer Services. Services provided include business system maintenance, development, and automation consultation for State Bar departments.

C *Information Technology Infrastructure & Operations*

Information technology (IT) infrastructure and operations services provided include a help desk, personal computer support, network server support, and technology training. These services are provided by IT support specialists and network administrators of the Computer Services Department.

C *Administrative Support*

Administrative support provided by the Computer Services Department includes IT strategic planning, computer security management, IT disaster recovery planning and management, contract management for IT hardware and software, as well as long distance and pay telephone contracts.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Computer Services Department was created in 1984 to implement and maintain the automated information systems of the State Bar of Texas. There are currently no statutory requirements for the existence of this program, but it is required to support the functions of the State Bar of Texas that are mandated or regulatory in nature. This support also extends to the non-regulatory programs of the Bar.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

Beginning in FY 2001 the Computer Services Department created and began to implement a Business Technology Plan that was accepted by the board of directors. Major network infrastructure changes have already been completed, and standardization of the server and desktop hardware/software environment is currently underway. In addition, the proliferation of non-integrated systems is being targeted for replacement with integrated software (the grievance tracking or membership software for example). Lastly the establishment of a long-term approach to capitalizing assets and the development of a Business Technology Plan has been integral to bringing the desired focus on technology issues and costs.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

As a central service provider, the Computer Services Department serves all departments and employees of the State Bar.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

This program is administered as a department within the State Bar of Texas. Technology initiatives are developed and documented via the three-year Business Technology Plan, which is reviewed and approved by the board of directors. The Technology Advisory Committee of the board has oversight control regarding

the establishment of technology project budgets and expenditures from the technology fund. (See Question H below.) This department provides “regional and field” services only in the sense that it supports the automation needs of the chief disciplinary counsel regional and field offices located around the state.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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).

State Bar of Texas General Fund (Operations)

The ongoing operations of the Computer Services Department are funded by the State Bar General Fund.

State Bar of Texas Technology Fund (Enterprise-wide Capital Equipment)

A priority of the leadership and staff of the State Bar of Texas is to further develop technological resources to better meet the needs of State Bar members, enhance service to the public, and increase staff productivity. No organization can compete in the service sector without a major commitment to technology.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

At present, it appears that projected capital funding resources will be sufficient to sustain the Technology Fund through July 2005.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

No other programs provide identical or similar services. In some large departments, the staff provides support locally. For example, employees of the Professional Development Division provide support for the Texas Bar CLE web site.

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

The executive management has allowed some programs the latitude to independently contract for some development services. For the most part, these are coordinated with the Computer Services Department. This avoids duplicative project development, system disruption, and negative impact on customers.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Please see the attached Business Technology Plan in State Bar Exhibit 32.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Operations Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Finance Division
Location/Division	Texas Law Center, Suite 303
Contact Name	Sheryle Patterson, Director of Accounting
Number of Budgeted FTEs, FY 2000	10.5
Number of Actual FTEs as of August 31, 2000	10.5

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Finance Division is responsible for budget, investments, financial records and reports, payroll, audit, accounts payable, accounts receivable, sales, property inventory, internal audit, and the processing of section dues payments.

The major services and functions provided as follows:

General Accounting/Reporting

Includes all processes related to assuring proper recording and reporting of financial activity:

- C all accounts reconciliations
- C closing of the books
- C preparing financial reports for all users
- C managing cash flow and investments
- C providing analysis of financial information
- C maintaining organizational codes, chart of accounts, and accounting policy parameters on the general accounting systems
- C preparing work papers for and working with the external auditors during all audits.

Budget

Includes all processes related to preparing, modifying, and tracking the annual budget:

- C analysis of budgeted expenses to actual expenses
- C working with departments to assist in their budget preparation
- C preparing presentations.

Billings/Collections

Includes all processes related to billing individuals or companies that have received products or services from the State Bar but have not paid, and the collecting, depositing, and recording of all funds received by the Bar, which includes:

- C billing and collecting for the Book Fund
- C billing and collecting for Texas Bar CLE books and materials
- C Texas Bar CLE registrations not collected up-front
- C *Texas Bar Journal* advertisers
- C any others that owe the Bar money.

Collections also include the cashiers' function that is responsible for depositing funds for all State Bar departments and related entities.

Sales Desk

On-site services made available for attorneys to purchase Book Fund and PDP books and materials. Also includes over-the-phone orders and inquiries, processing of all sales orders, and maintaining the costs and prices of all sales inventory.

Payroll

Includes all processes related to:

- C recording work hours of staff
- C calculating staff pay and benefits
- C processing payments to employees and third parties for benefits
- C submitting all required reports to the appropriate entities.

Accounts Payable

Includes all processes related to processing invoices and generating payments to all vendors to whom the State Bar owes money, which includes payments to employees and individuals conducting State Bar business.

Other Funds Support

Includes providing accounting services to other State Bar-related funds:

- C Texas Bar Foundation
- C Texas Center for Legal Ethics
- C State Bar College
- C Texas Law Center Fund
- C Convention Fund
- C Legal Administrators Division
- C Law Focused Education
- C Hatton W. Sumners Grant
- C Texas Supreme Court Historical Society.

Fixed Asset Management

Includes all processes related to recording and tracking State Bar fixed assets:

- C depreciation calculation where appropriate
- C recording State Bar assets on the State Property System
- C reconciling the two systems.

Sections Support

Includes all processes involved with recording sections dues from the membership dues collection process. Also involves tracking membership in each section and coordinating the reporting of section financial activity.

Administration

Involves all duties related to managing the Finance Division, enhancing the accounting services provided in both quality and efficiency, trouble shooting, research, dealing with outside parties (bank, state, auditors), and assistance to other departments, management, and board committees in financial matters.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Finance Division's overall objective is to provide centralized accounting services for the State Bar and its related organizations to ensure appropriate recording and reporting of all financial activity and provide proper control of State Bar funds and assets. The Finance Division was created in 2001 to perform many of the functions that were in the past handled by the Accounting Department. The creation of the Finance Division is intended to provide more oversight and coordination of these functions.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The Finance Division's functions will be needed as long as the State Bar of Texas conducts business.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Finance Division serves the entire State Bar organization and all of its related entities.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Finance Division is administered by 10 employees who perform various duties. These positions include a director of accounting, a senior accountant, an accounts receivable accountant, two sales clerks, a payroll officer, two accounts payable clerks and a cashier.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Not applicable.

H. Identify all funding sources and amounts for the program, 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 Finance Division is funded through the State Bar General Fund.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Not applicable.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The State Bar has an external accounting firm which independently audits the financial statements and conducts an internal audit on an annual basis. The accounting staff provides information to the external accountants to perform the audit, but the functions are independent of the internal Finance Division and are not duplicated by the State Bar's accounting staff. Additionally, the State Bar has an external investment firm which invests funds for the State Bar's General Fund, Client Security Fund, and Special Revenue Funds. The director of accounting and senior accountant provide information to the investment manager about the amount of funds available for investment and when the funds will be needed. However, the director of accounting and senior accountant do not make the decisions as to what type of investment vehicle to put the money in (within the guidelines of the Public Investment Act), which is the job of the investment manager.

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

See answer to Question J above.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

State Bar of Texas – Operations Exhibit 13: Program Information — Fiscal Year 2000	
Name of Program	Administration Division
Location/Division	Texas Law Center, Suite 310
Contact Name	Al Cumming, Administration Division Director
Number of Budgeted FTEs, FY 2000	14
Number of Actual FTEs as of August 31, 2000	14

B. What are the key services and functions of this program? Describe the major program activities involved in providing all services or functions.

The Administration Division consists of the Human Resources Department and the Purchasing and Facilities Department.

The key services and functions of the Human Resources Department include employee benefits, recruitment and selection of employees, staff development, employee performance appraisals, temporary personnel, and employee relations issues. Human Resources presents benefit information to all employees and monitors benefit changes throughout the year. Recruitment and selection of new employees involves posting the position, processing applications, interviewing applicants, and assisting managers to make the selection decision. Staff development includes needs assessment and program development utilizing internal and external resources to adequately train employees effectively and efficiently. The department implements and monitors employee performance appraisals to adequately support decisions for merit increases and promotions. This provides employees with specific, useful feedback necessary to improve performance. Requests for temporary personnel are coordinated through Human Resources to obtain quality personnel to fulfill the needs of all departments. The department is a resource for employee relations issues throughout the agency.

The Purchasing and Facilities Department provides support for the departments of the State Bar of Texas. The department oversees the mail center, copy and fax center, telephone systems, and meeting room reservations. The department is also responsible for the purchase of all capital goods, supplies, and maintenance agreements. In addition, the Purchasing and Facilities Department monitors the maintenance and building operations of the Texas Law Center.

C. When and for what purpose was the program created? Describe any statutory or other requirements for this program.

The Human Resources Department is responsible for exercising leadership in all matters regarding State Bar personnel. The department continues to improve upon the ways in which State Bar staff members are employed, managed, and developed.

The purpose of the Purchasing and Facilities Department is to provide maintenance of the Texas Law Center; support for meeting room preparation and scheduling, mail services, copy services, fax services, and purchasing services. Purchasing procedures and services are subject to Government Code §81.0151, which states that the board of directors shall adopt guidelines and procedures for purchasing that are consistent with the guidelines and procedures in Chapters 2155-2158. Accordingly, the Board of Directors has adopted Section 10.07 in the State Bar of Texas Board of Directors Policy Manual.

D. Describe any important history not included in the general agency history section, including a discussion of how the services or functions have changed from the original intent. Will there be a time when the mission will be accomplished and the program will no longer be needed?

The department of Human Resources has not changed from its original intent. The department does not foresee a time when it will no longer be necessary.

The department of Purchasing and Facilities was created as a result of the separation between the accounting and purchasing functions of the State Bar of Texas in 1993. This division was necessary to construct a system of checks and balances and monitor the increasing maintenance needs of the Texas Law Center. Prior to 1993 the purchasing unit was an entity within the Accounting and Facilities Department, which was handled on an as-needed basis through the Executive Office.

E. Describe who this program serves. How many people or entities are served? List any qualifications or eligibility requirements for receiving services or benefits.

The Administration Division serves all employees of the State Bar, with the Purchasing and Facilities Department also serving several tenants located at the Texas Law Center.

F. Describe how the program is administered. Include flowcharts, timelines, or other illustrations as necessary. List any field or regional services.

The Department of Human Resources is administered by three employees. The Human Resources Manager is responsible for staff development and employee relations. The benefits coordinator presents and monitors all employee benefits. The employment coordinator is responsible for the recruitment and selection of new employees and temporary personnel. Other services and functions are coordinated and assigned by the Human Resources manager.

The Department of Purchasing and Facilities has a staff of seven employees. The department is managed by the director of Purchasing and Facilities and includes a purchasing assistant, two building maintenance staff, and three copy center/mail center employees. The department coordinates with external experts for highly technical services, such as HVAC, electrical, and plumbing. The department works to maintain the day-to-day operations of the Texas Law Center through the State Bar staff.

G. If the program works with a federal government agency (e.g., Housing and Urban Development, Federal Deposit Insurance Corporation) or local units of government, (e.g., Councils of Governments, Soil and Water Conservation Districts), please include a brief, general description of these entities and their relationship to the agency. Briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Neither the Human Resources Department nor the Purchasing and Facilities Department works with a federal or local governmental agency.

H. Identify all funding sources and amounts for the program, 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 Human Resources is funded from the State Bar of Texas General Fund. The Department of Purchasing and Facilities is funded through the Law Center Fund and the State Bar of Texas General Fund. The Law Center Fund, which is used to coordinate maintenance, repair, and upkeep of the Texas Law Center, receives an annual contribution of \$100,000 from the State Bar of Texas General Fund in addition to interest generated from Law Center Fund reserves.

I. Are current and future funding resources appropriate to achieve program mission, goals, objectives, and performance targets? Explain.

Current funding is necessary to achieve all goals and objectives for the Administration Division. With the current contributions from the General Fund and proper forecasting and budgeting, the Law Center Fund monies can be used for the maintenance, repair, and upkeep of the Texas Law Center.

J. Identify any programs internal or external to the agency that provide identical or similar services or functions. Describe the similarities and differences.

The State Bar has no other programs which serve the same functions as the Human Resources or the Purchasing and Facilities Departments.

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

Not applicable.

L. Please provide any additional information needed to gain a preliminary understanding of the program.

Not applicable.

M. This is not a regulatory program.

N. This is not a regulatory program; chart is not applicable.

VII. Agency Performance Evaluation

A. What are the agency's most significant accomplishments?

The State Bar's response to its mandate to regulate the legal profession in Texas and to improve the delivery of legal services to the public is reflected in its core competencies: professionalism, public service, and public protection. These core competencies are inextricably intertwined in the unique character and programs of the State Bar of Texas.

C *Professionalism and Public Protection*

In the disciplinary and disability system the State Bar provides, it is a leader among the 50 states in its dedication to professionalism and public protection. The system is one that balances the public's need for accessibility and accountability with the profession's need for due process and confidentiality.

The grievance system depends on over 800 volunteers—one-third of whom are public members and two-thirds of whom are lawyers. They serve on 47 grievance committees throughout the state. The Office of the Chief Disciplinary Counsel is legal counsel for these committees during the early stages of the disciplinary and disability process. On average, 9,000 grievances are reviewed each year. Of these, approximately 3,000 are heard by an investigatory panel and approximately 500-600 sanctions result from the proceedings annually.

The integrity of the grievance process is maintained through the oversight of the 12-member Commission for Lawyer Discipline (six members are lawyers appointed by the president of the State Bar and six are public members appointed by the Supreme Court). The commission also serves as the client in all disciplinary litigation, and the chief disciplinary counsel serves as the commission's lawyer.

A toll-free "1-800" Grievance Hotline number is advertised in telephone directories statewide, and an Ethics Helpline for Texas lawyers is also maintained. In addition, the State Bar provides (1) a Professionalism Enhancement Program to promote the improvement of practice skills and to conduct training aimed at avoiding repeated misconduct and (2) a Texas Lawyers Assistance Program that addresses the need for rehabilitation of lawyers with substance abuse, stress, and other disabling conditions. Finally, a Client Security Fund has been established that has now grown to a corpus of over \$2 million. It provides the public with an opportunity to seek reimbursement for losses caused by attorney malfeasance, limited by a current ceiling of \$30,000 per claim.

C *Professionalism and Professional Education*

The State Bar is the largest continuing legal education (CLE) provider in the State of Texas. The program uses a combination of live, satellite, online, video, custom CLE, and telephone seminars with over 1,500 volunteer lawyers participating in 75 program titles and several hundred days of programming per year. A large portion of the Bar's operating budget and resources are devoted to CLE, produced by what is generally recognized as the finest professional development program for any profession in the United States.

To further promote ethical practices, in 1997 the State Bar proposed to the Supreme Court of Texas and the Texas Court of Criminal Appeals the Texas Standards for Appellate Practice. The standards were adopted

and approved by both Courts to enhance and supplement the Texas Lawyers Creed, which was adopted in 1989 pursuant to a similar resolution of the State Bar Board of Directors and by court order of the Supreme Court of Texas and the Court Criminal Appeals.

C Professionalism and Public Service

Nothing exemplifies the finest tradition of public service more than a legal profession which assures a free people's access to justice through an orderly court process (and reliable alternative dispute resolution procedures) backed by a system of laws in which the participants have faith and confidence. This, of course, requires that young people learn of their rights (for example, through the Texas Lawyers Auxiliary's publication and distribution of their "Now You Are 18" pamphlet), and that jurors are properly informed of their duties (through the State Bar's Uniform Jury Handbook published and provided free of charge to all Texas courts). It also means accepting the responsibility to uphold the principles of our country's founding documents as emphasized by the annual Law Day programs presented not only at the Texas Law Center, but by most local bar associations throughout the state.

These Law Day programs in May are supplemented by the annual Keep Justice Alive Week during the second week in November. Instituted in 1998 and held in conjunction with the New Lawyer Induction ceremony, Keep Justice Alive Week aims to restore public trust and confidence in the justice system through a series of statewide programs aimed at involving the courts, lawyers, and other representatives of the legal system in mock trials, public forums, and media appearances.

The Law-Related Education Department of the State Bar, through partnerships between the legal community and public/private schools, helps educators, students, and citizens understand and appreciate our democratic system of laws. Through programs such as the Institutes on the Founding Documents, the Law and Humanities Summer Institute, Lifetime Learning Classes (on legal topics for senior citizens), the Leon Jaworski Awards for Teaching Excellence, and the recently established Institute on Texas Courts, it is estimated that over 675,000 students have been reached and over 2,000 teachers involved in developing and receiving law-focused educational materials throughout our state.

From 1991 to 2000, the American Bar Association has recognized the nationally acclaimed Texas Young Lawyers Association as the outstanding young lawyer organization in the nation. Through programs such as Aspiring Youth, the Supreme Team, Take A Student To Your Employment, Borders & Boundaries, Crossing the Line, the National Trial Competition, and disaster response programs, TYLA has reached out to thousands of students and citizens.

C Professionalism and Access To Justice

Through Texas Lawyers Care, the State Bar has facilitated and supported lawyers, projects, and programs throughout the state that are addressing the issue of legal representation for Texans of limited means. Texas Lawyers Care has established a system that provides technical assistance and support services to pro bono lawyers and staff legal services attorneys. For example, volunteer lawyers receive training to provide pro bono representation in the State Bar Family Violence Resource Project (for victims of domestic violence), the State Bar Immigration Project (to expand private bar representation of immigrants and refugees, especially immigrant battered women), and the SSI for Kids Program (restoring supplemental social security income and Medicaid benefits for children with disabilities).

In collaboration with the Texas Equal Access to Justice Foundation (an entity established by the Texas Supreme Court at the request of the State Bar), the Bar has been, and is, a leader in developing funding resources for legal services to low-income Texans. Successful legislative efforts by the State Bar resulted in the Basic Civil Legal Services (BCLS) funds of approximately \$3 million per year (generated by a civil court filing fee add-on), in addition to approximately \$5 million per year provided by the Interest on Lawyers' Trust Accounts (IOLTA) program. Through the standing committees on Legal Services to the Poor in Civil and Criminal Matters and the Supreme Court's newly-created Access to Justice Commission, the State Bar is also actively engaged with many other stakeholders in an effort to build and maintain a statewide justice community with shared values and missions. The goal of this effort is to create a more efficient and effective statewide delivery system for legal representation to the poor using technology and other innovations to increase access, expand services, streamline intake, and make the court systems more responsible and accessible to low-income and pro se litigants.

Recent efforts in redesigning the State Bar dues collection statement and the pro bono voluntary reporting form have led to cautious optimism. Thus far this year, State Bar membership has reported pro bono hours in excess of 500,000 and financial contributions of about \$2.1 million. These financial contributions are reported by attorneys and consist of a variety of contributions, such as an attorney paying for a pro bono client's court costs or an attorney donating money to local pro bono programs. In addition, approximately 370,000 hours were reported for reduced fee legal services to the poor. Returned dues statements included voluntary contributions to legal services to the poor in excess of \$460,000. The State Bar has taken a leadership role in the societal problem of access to justice; it intends to continue this important work as one of its highest priorities.

Also, the State Bar Board of Directors adopted Standards for the Provision of Legal Services to the Poor in Criminal Matters in April 2001 after a highly successful two-day symposium sponsored by the State Bar. This event included speakers of national prominence and a report based on surveys of the various stakeholders in the indigent criminal defense system in Texas.

C Professionalism and a Unified Bar

While the State Bar's accomplishments are many, the challenges that remain are also numerous. The unified structure of the State Bar enables the Texas Supreme Court effectively and efficiently to oversee the legal profession in a self-governing manner that (1) does not require appropriated State general revenue funds and (2) assures that the credibility and integrity of the profession are advanced in a manner that serves the public interest. The State Bar is seeking to address and take a leadership position on access to justice issues important to all Texans. It has also made competency and ethical standards the underpinning of the legal profession.

During the period under review, the State Bar has contributed thousands of volunteers to the regulation and education of the legal profession with the objective of improving the quality of all legal services delivered to the public. It has done this with a breadth and depth of commitment that rises above political turf issues and economic self-interest, and with a level of commitment that only a unified bar can attain. This degree of commitment helps assure the citizens of this state that the legal profession recognizes its public service responsibilities and will hold itself accountable to the highest standards of practice and conduct. The State Bar takes very seriously the mandate of professionalism set out in

the State Bar Act. The State Bar continues to respond to this mandate by maintaining the highest standards of practice and conduct in the legal profession and by improving the delivery of legal services to the public thereby enhancing the administration of justice.

B. Describe the internal process used to evaluate agency performance, including how often performance is formally evaluated and how the resulting information is used by the policymaking body, management, the public, and customers.

The State Bar evaluates agency performance at the department and division level, the executive level, and the agency level.

At the department level, supervisors individually evaluate each employee's performance for the past year. These reviews are also used to project improvements for the coming year. In many ways, a department's overall progress can be matched with the successes of its employees. In turn, the division directors evaluate department directors' performance.

At the executive level, the executive director's performance is evaluated by the board of directors. The performance measures used are directly tied to agency improvements. Each board member receives a form on which to comment about the executive director's performance. These comments are reviewed by the board's Administrative Oversight Committee and reported to the full board. The executive director assigns many of his performance measures to each division director in an informal work plan. This work plan lays the groundwork for each division and thereby each department's tasks for the coming year.

At the agency level, board committees provide oversight for specific functions and submit regular reports to the board. Many standing and special committees of the Bar provide similar oversight and report regularly to the board. Importantly, the Supreme Court serves as the ultimate authority on whether the State Bar is meeting performance expectations.

C. What are the agency's biggest opportunities for improvement?

The following are four of the State Bar's greatest opportunities for improvement of services to its members and the public:

1. The State Bar as a clearinghouse for legal information.

Presently, the State Bar provides a low-cost pamphlet service on various legal topics (in English and Spanish), and also sells videotapes on selected legal topics. Additionally, the State Bar sponsors an outstanding array of law-related educational programs for both teachers and students. It has also pioneered impressive compilations of continuing legal education programs for lawyers and law-related professionals.

There is an opportunity to improve the marketing and availability of these legal information products and services through other media outlets (e.g., public access cable TV channels and various alternative newspapers). There are also opportunities for the State Bar to build on these successful legal products and services by delivering them to a larger audience and by reaching out to every geographical area in the state. In that endeavor, the increasing use of technology—particularly in streaming audio and video feed through computers and in collaborations with community resources—could provide the key. Also, the expanded use of the regional and field offices of the State Bar, which chiefly function as the offices of the chief disciplinary counsel, should be explored. Both lawyers and members of the public could come to see these offices as places to access needed legal information, as well as places that deal with lawyer misconduct.

It would be necessary, of course, to monitor carefully whether the legal information that is made available is current and accurate. With the proper disclaimers, however, the State Bar should be able to function as one of the primary clearinghouses for legal information for the public. This could extend to the co-branding of products and services that might originate with other national, state, and local bars.

With the diversity of culture in Texas evidenced by the 2000 census, the need to translate these legal information products and services into languages beyond Spanish should not be overlooked.

2. The State Bar as a resource for legal services.

An opportunity exists for the State Bar to improve on how members of the public connect with the lawyers that they want and need—in terms of fees, geographical location, and practice areas and experience. Presently, the State Bar operates a limited lawyer referral service that serves those areas of the state that are not covered by existing local bar referral services. The existing local bar lawyer referral services are located principally in major metropolitan areas of the state. The newly formed Access to Justice Commission will be looking at ways to make legal service providers more available and more efficient by forming a justice community that focuses on leveraging both technology and funding. The Texas Young Lawyers Association has initiated a job placement service that also may be able to connect lawyers with practice opportunities that will better serve the public. And finally, HB 1712, passed during the 77th Legislature, provides for online profiles listing basic and optional information on all licensed Texas lawyers in the near future.

If the State Bar were to become a full-service clearinghouse for legal information, with a few additional steps, it could also provide information to a broader audience on how to select and retain a lawyer who is acting within the ethical limits on solicitation. This will present an increasing challenge as Texas continues to move into the global economy, and as regional trade agreements make international practice a necessity.

3. The State Bar as an incubator and catalyst for legal technological changes.

The cost of staying current with technology is rapidly outstripping the means of many solo and small firm practitioners, who account for approximately 60 to 70 percent of all licensed Texas lawyers. For example, an effective law practice management system may not be affordable or available to many solo or small law firms—especially in some rural areas.

It is in the public's best interest to have lawyers that are not only competent, but who are also financially able to serve the legal needs of Texans in every part of the state. Ideally, law school graduates who choose to do so ought to be able to return to a viable legal practice in their own communities throughout the state.

The State Bar presently has a directory of software for managing a law practice. The Bar should, however, move to the next level of member service by making sure the software products that lawyers need are being developed in the commercial market. The State Bar, because of its size and the vastness of the State of Texas, has an opportunity to establish itself as an innovator and an incubator of technological change. It can do so by working with technology companies to develop the next generation of legal software that will make lawyers more efficient and effective in serving their clients. This could be done in a collaborative arrangement with a private developer of software, or simply by assisting in development—without any financial commitment or involvement.

Alternatively, the State Bar could consider launching its own affiliated entity to undertake some of this software development. Perhaps this could be done in conjunction with the State Bar's own need to develop

an online membership dues and occupation tax collection system and a fully integrated membership data base, including “bar coded” State Bar cards for MCLE and other Bar-related functions.

4. The State Bar as a collaborator with other national, state, and local bars, and with other state agencies and private entities.

Today, the State Bar is involved in a limited number of collaborations with other national, state, and local bars—mostly in the continuing legal educational (CLE) arena. Opportunities exist for the State Bar to explore other possible collaborative efforts with law schools, with other state agencies, and with private providers of CLE—not only in producing products and services, but also in achieving economies of scale in infrastructure (e.g., sharing conference and meeting facilities in different locations around the state).

Collaborative opportunities might prove to be particularly attractive in distant venues where there is a critical mass of licensed Texas lawyers, but insufficient contact with them. In those locales—for example, Washington D.C.—the State Bar could seek the opportunity to collaborate with third parties in producing events and activities for Texas lawyers and in providing support through computer services.

Ultimately, the State Bar’s most valuable resources and its greatest opportunities for improvement lie with its people: attracting, training, promoting, and retaining the best and brightest minds available. This will require constant resourcefulness in developing compensation packages, work schedules, and recruitment models that create strong incentives for both high-quality performance and job satisfaction.

D. How does the agency ensure its functions do not duplicate those of other entities?

As the professional association for Texas attorneys, the State Bar of Texas maintains ongoing relationships with both the American Bar Association at the national level and local bar associations in Texas. This interaction leads to information sharing which helps provide better and non-duplicative services at the local, state, and national level.

As the licensing entity for all Texas attorneys, no other entity or organization is set up to nor statutorily authorized to collect attorney dues and administer the licensing system. Similarly, no other entity is set up to nor statutorily authorized to administer the attorney disciplinary system.

Further, the State Bar performs many functions that not only are *not duplicative*, but, in fact, were purposefully created to fulfill a stated need, i.e., to fill in a void in the provision of services. One example of this is in Lawyer Referral and Information Services, where the State Bar provides a statewide network for areas not covered by metropolitan-area lawyer referral services. Another example is Texas Bar CLE. Many for-profit providers do not serve rural areas or cover every topic of continuing legal education. Texas Bar CLE not only fills this gap, but it does so in the competitive marketplace.

The most recent example is the creation of the Access to Justice Commission (ATJ) in 2001. ATJ will serve as an umbrella group to the wide variety of entities providing legal services to the poor in Texas with the goal of building an integrated civil legal services system. The State Bar will provide funding to this new organization with the knowledge that the clearinghouse function will lead to better use of limited funds to serve more people.

E. Are there any other entities that could perform any of the agency's functions?

After the \$200 attorney occupation tax was authorized by the Legislature in 1991, collection was originally handled by the Office of the Comptroller. However, compliance with the tax was low because the Comptroller had no punitive authority over lawyers. In 1995 the Legislature transferred collection of the tax to the Supreme Court. With the transfer, an attorney could be administratively suspended from the practice of law for failing to pay the tax. The State Bar administers and collects the tax on behalf of the Supreme Court. Revenues from the tax are allocated with 25 percent going to the State's Foundation School Fund and 75 percent going to the General Revenue Fund. Collection of this tax could be reassigned to the Comptroller.

Another function that might be handled by a different entity is publication of the Uniform Jury Handbook. In 1993, the Legislature added Subchapter C, Uniform Jury Handbook, to the Government Code. This statute requires the State Bar to publish a Uniform Jury Handbook that informs jurors in lay terminology of the duties and responsibilities of a juror, explains basic trial procedures and legal terminology, and provides other practical information relating to jury service. The State Bar is also required to review and update the handbook annually as well as distribute the handbook to the courts. Because the Office of Court Administration coordinates programs for courts across the state, it is feasible that the handbook might be handled by that agency.

One function of the State Bar, providing continuing legal education (CLE), already is being performed by other entities. However, because Texas Bar CLE programs evolve through the processes of an organization representing the entire profession, they are arguably more balanced than other providers' programs. This relatively unbiased perspective—along with the comprehensive literature that goes along with the programs—establishes a continuing resource for lawmaking in the Legislature and for legal interpretation in the courts. Judges, appellate court staff, lawyers in need, government attorneys, and attorneys providing legal services to the poor receive high-quality live and videotaped CLE courses either for free or at a substantial discount through a variety of programs administered by the State Bar. Unlike any other major provider of CLE courses, the State Bar of Texas considers providing the best CLE to members of remote bar associations a responsibility. Texas Bar CLE has used a wide range of technologies, including satellite, telephone, Internet, and videotape replay, to provide CLE to lawyers in rural areas at a reasonable price. So, while it is possible that other providers might serve the CLE function, none do so in the comprehensive manner of the State Bar.

F. What process does the agency use to determine customer satisfaction and how does the agency use this information?

At the governance level, members of the board of directors are uniquely disposed to receiving feedback from their "constituents," or attorneys in the respective bar districts. Because 30 members of the board are elected to represent a Bar district, attorneys have an easy-to-access local method of directing concerns to the top level of the organization. To keep attorneys informed, many board members send newsletters in their districts and visit local bar associations. Having board members elected by attorneys ensures that governance of the State Bar stays in touch with its membership. When an attorney contacts his elected Bar representative, he or she is automatically connecting with the leadership of the Bar.

At the agency level, customer satisfaction is handled on a diffused division and departmental basis. Most State Bar departments utilize customer surveys and also receive call-in, e-mail, and in-person comments. Feedback from the surveys and other sources is examined by the division and department directors and improvements based on the comments are implemented into the departmental programs and services. Most departments that send surveys review them as they are returned and also compile survey comments into a larger report on a monthly or yearly basis.

For example, the Research and Analysis Department sends out customer feedback cards to accompany all information and reports which the department distributes to lawyers and members of the public. The director reviews the cards as they are returned. Tallies of the responses on the returned cards are completed each year.

The Office of the Chief Disciplinary Counsel sends a questionnaire to complainants and respondents. This questionnaire is required by Texas Government Code, §81.072(b)(12) which states, “The standards and procedures for processing complaints against attorneys must provide for distribution of a voluntary survey to all complainants urging views on grievance system experiences.” Completed questionnaires are reviewed by the office staff.

Departments which regularly plan events for lawyers and members of the public—such as the Annual Meeting—mail surveys or distribute surveys on-site to participants, including conference attendees and meeting exhibitors. This information is compiled and used by future planning committees to improve the events. The Law-Related Education department, which holds educational seminars for the public, distributes participant evaluations at each workshop or event. These evaluations are used to create a summary which is placed in the events’ file folders. Law-Related Education also asks participants at larger conferences to write letters to the State Bar evaluating the event. Similarly, registrants at every Texas Bar CLE program complete course evaluations; the results are tabulated and forwarded to future course planning committees. An advisory committee of working lawyers (the State Bar of Texas CLE Committee) monitors the department’s activities and their feedback is given to course planning committees as well as staff professionals. The Texas Bar CLE website is periodically updated based on customer support questions and issues to improve site usability.

Overall, the customer satisfaction and feedback process at the State Bar is a bottom-up process in that department directors share major concerns with the division directors, executive director, and the board of directors.

G. Describe the agency’s process for handling complaints against the agency, including the maintenance of complaint files and procedures for keeping parties informed about the process. If the agency has a division or office, such as an ombudsman, for tracking and resolving complaints from the public or other entities, please provide a description.

Like customer satisfaction feedback, complaints regarding State Bar staff and services are handled in a diffused manner by each division and department. Any complaints which cannot be resolved at a departmental level are transferred to the executive director.

Departments respond to complaints as quickly as possible by letter or phone call to the complainant. Certain departments have complaint procedures specific to their offices. For example, complaints sent to the Office of the Chief Disciplinary Counsel are received by the Special Assistant Disciplinary Counsel (SADC) who performs functions similar to that of an ombudsman. Verbal complaints are forwarded to the SADC who then interviews the caller, taking notes on their concern. All written and verbal complaints result in an investigation by the SADC with the results reported to the person who made the complaint. An investigation typically includes a review of the file at issue and an interview with the staff person who handled the file originally. Complaints to the SADC are tracked alphabetically and periodically classified in groups according to type.

Similarly, the Lawyer Referral and Information Service (LRIS) has a specific procedure for dealing with complaints from members of the public regarding attorney referral. The LRIS director interviews both the client and the lawyer involved in the complaint and attempts to work out a solution. The LRIS director can suspend attorneys who after investigation are found to be in non-compliance with LRIS rules subject to a hearing before the LRIS standing State Bar committee.

In addition, the Membership Department sometimes receives complaints from lawyers regarding administrative suspensions from the bar for non-compliance of statutes. In the case of this type of complaint, attorneys are instructed to petition the Supreme Court of Texas in writing as the Court is the only authority that can waive or expunge administrative suspensions. The Membership Department provides the Supreme Court with information regarding the attorney's file as requested. The Membership Department keeps records of all requests made to the Supreme Court regarding administrative suspensions.

In general, complaints made to most State Bar departments are handled by that department's director as quickly as possible and forwarded to the division director and executive director if necessary. The executive director is available to anyone requesting to voice a complaint directly to him. The executive director responds personally to these complaints by letter, telephone call, or e-mail, depending on the situation.

H. Please fill in the following chart. The chart headings may be changed if needed to better reflect the agency's practices.

The State Bar does not currently monitor complaint information on an agency-wide basis. Therefore, numbers for the chart below are not available.

Department level coordination of this effort is described in the answer to Question G above.

State Bar of Texas		
Exhibit 15: Complaints Against the Agency – Fiscal Years 1999 and 2000		
	FY 1999	FY 2000
Number of complaints received	N/A	N/A
Number of complaints resolved	N/A	N/A
Number of complaints dropped/found to be without merit	N/A	N/A

Self-Evaluation Report

Number of complaints pending from prior years	N/A	N/A
Average time period for resolution of a complaint	N/A	N/A

I. What process does the agency use to respond to requests under the Public Information (Open Records) Act?

While the State Bar of Texas is not named in Chapter 552, Government Code, the State Bar Act provides for proper disclosure in Government Code §81.033: “All records of the State Bar, except for records pertaining to grievances that are confidential under the Texas Rules of Disciplinary Procedure, and records pertaining to the Texas Board of Legal Specialization, are subject to Chapter 552.” The executive director of the State Bar is the designated officer for public information.

The State Bar handles open records requests through the Executive Office or the Office of Chief Disciplinary Counsel depending on the nature of the request. Any public information request received by the executive director is forwarded to the office of the general counsel which handles all *non-disciplinary-related* public information requests.

The Office of Chief Disciplinary Counsel handles all *disciplinary-related* public information requests. These requests fall into two categories, routine and non-routine. Routine requests are for information on *public* discipline sanctions and are handled by clerical support staff. Private reprimands and orders for rehabilitation are not considered public information.

The Special Assistant Disciplinary Counsel (SADC) handles non-routine public information requests. This type of request is usually for all documents included in a disciplinary file. The SADC calls the requestor to clarify that he or she is only looking for public information. If that is not the case and the requestor wants confidential information, the SADC requests an Attorney General opinion to resolve the situation.

J. Please fill in the following chart with updated information:

State Bar of Texas Exhibit 16: 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 Number Fax Number E-mail Address
Consumers Union Southwest/ Reggie James	1300 Guadalupe, Suite 100 Austin TX 78701-1643	P 512-477-4431 F 512-477-8934
Public Citizen Texas/ Thomas "Smitty" Smith	2812 Hemphill Road Austin TX 78705	P 512-477-1155 smitty@citizen.org
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with the agency)		
Group or Association Name/ Contact Person	Address	Telephone Number Fax Number E-mail Address
<i>NATIONAL ASSOCIATIONS</i>		
American Bar Association		
Commission on Lawyer Assistance Programs/ John Clark	750 North Lake Shore Drive Chicago IL 60611	P 312-988-5359 F 312-988-5483 spillisd@staff.abanet.org
Commission on Racial and Ethnic Diversity/ Sandra Yamate	750 North Lake Shore Drive Chicago IL 60611	P 312-988-5638 F 312-988-5647 yamates@staff.abanet.org
Commission on Responsibility in Client Development/ William Hornsby, Jr.	541 North Fairbanks Court Chicago IL 60611	P 312-988-5761 F 312-988-5483 whornsby@staff.abanet.org
Commission on Women in the Profession/Ellen Mayer	750 North Lake Shore Drive Chicago IL 60611	P 312-988-5000 F 312-988-6281 abacwp@abanet.org
Law Practice Management Section/Charlotte King Stretch	ABA Center for Professional Responsibility 541 North Fairbanks Court, 14th Floor Chicago IL 60611	P 312-988-5297 F 312-988-5280 stretch@staff.abanet.org
Standing Committee on Specialization/Tori Jo Wible	541 North Fairbanks Court Chicago IL 60611	P 312-988-5753 F 312-988-5710 wible@staff.abanet.org

Young Lawyers Division/ Bo Landrum	750 North Lake Shore Drive Chicago IL 60611	P 312-988-5608 F 312-988-6231 jlandrum@staff.abanet.org
American Board of Certification/Michelle Anderson	44 Canal Center Plaza, Suite 404 Alexandria VA 22314-1592	P 703-739-1023 F 703-739-1060 abc@abbeworld.org
Association for Continuing Legal Education (ACLEA)	PO Box 4646 Austin TX 78765	P 512-453-4340 F 512-451-2911 aclea@aclea.org
Federal Bar Association/ Jack Lockridge	2215 M Street NW Washington DC 20037	P 202-785-1614 F 202-785-1568 fba@fed-bar.org
Hispanic National Bar Association/Alex Sanchez	8201 Greensboro Drive, Suite 300 McLean VA 22102	P 703-610-9038 F 703-610-9005 asanchez@hnba.com
National Asian Pacific American Bar Association/Executive Director/ Grace Yoo	1341 G Street NW, 5th Floor Washington DC 20005	P 202-626-7693 F 202-628-6327 info@napaba.org
National Association of Bar Executives/Elizabeth Derrico	c/o ABA Division for Bar Services 541 North Fairbanks Court Chicago IL 60611-3314	P 312-988-5356 F 312-988-5492 derricoe@staff.abanet.org
National Association of Black Women Attorneys/Mabel Haden	1110 Hamlin Street, NE Washington DC 20017	P 202-526-5200 F 202-526-7999
National Association of Women Lawyers/Peggy Golden	750 North Lake Shore Drive Chicago IL 60611	P 312-988-6186 F 312-988-6281 NAWL@staff.abanet.org
National Bar Association/ John Crump	1225 11th Street, NW Washington DC 20001-4217	P 202-842-3900 F 202-298-6170 nationalba@aol.com
National Board of Trial Advocacy/Roberta Hugus	PO Box 249 - State House Station Boston MA 02133	P 617-720-2032 F 617-720-2038 rhugus@nbtanet.org
National Conference of Bar Foundations/Elizabeth Derrico	541 North Fairbanks Court 14th Floor Chicago IL 60611-3314	P 312-988-5352 F 312-988-5492 derricoe@staff.abanet.org
National Elder Law Foundation/Deborah Barnett	1604 North Country Club Road Tucson AZ 85716	P 520-881-1076 F 520-325-7925 dbarnett@mgmtplus.com
National Legal Aid and Defender Association/Julie Clark	1625 K Street NW, Suite 800 Washington DC 20006-1604	P 202-452-0620 F 202-872-1031 jclark@nlada.org

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National Organization of Bar Counsel/Teresa Boyd	Office of Bar Counsel 515 Fifth Street NW Building A, Room 127 Washington DC 20001	P 202-638-1501 F 202-638-0862 barcounsel@aol.com
National Training Center on Domestic and Sexual Assault/ Debby Tucker	2300 Pasadena Drive Austin TX 78757	P 512-407-9020 F 512-407-9022 dtucker@ntcdsv.org
<i>STATE-LEVEL ASSOCIATIONS</i>		
Association of Women Attorneys/Nancy Foster Martin	711 Louisiana, Suite 2900 Houston TX 77002	P 713-646-5560 F 713-752-0337 nmartin@smfs.com
Mexican American Bar Association of Texas/Janet Monteros	7801 North IH-35 Austin TX 78753	P 512-433-1171 F 512-433-1796 jim@vistahp.com
Texas Academy of Family Law Specialists/Gary L. Nickelson	5201 West Freeway, Suite Fort Worth TX 76107	P 817-735-4000 F 817-735-1480 gln@nickfamlaw.com
Texas Association of Bank Counsel/ Jeffery B. Reitman	Chase Bank of Texas, NA 712 Main Street (26-E-45) Houston TX 77002	P 713-216-5887 F 713-216-7970 jeff.reitman@chase.com
Texas Association of Defense Counsel/Martha Bonner Miller	400 West 15th Street, Suite 315 Austin TX 78701-1657	P 512-476-5225 F 512-476-5384 TxDefCsl@aol.com
Texas Association of Legal Secretaries/Julie Abernathy	100 Congress Avenue, Suite 100 Austin TX 78701	P 512-236-2251 F 512-236-2002 jabernathy@jw.com
Texas City Attorneys Association/Frank Sturzl	Texas Municipal League 1821 Rutherford Lane, Suite 400 Austin TX 78754-5128	P 512-213-7400 F 512-719-6390 annac@tml.org
Texas Council for the Social Studies/Rosemary Morrow	1111 West 6th Street Building A/4Floor/Room 50 Austin TX 78703	P 512-414-4690 F 512-414-1502
Texas Criminal Defense Lawyers Association/Executive Director/D' Ann Johnson	600 West 13th Street Austin TX 78701	P 512-478-2514 F 512-469-9107 djohnson@TCDLA.com
Texas District and County Attorneys Association/Executive Director/ Tom Krampitz	1210 Nueces, Suite 200 Austin TX 78701	P 512-474-2436 F 512-478-4112 krampitz@tdcaa.com

Texas Indian Bar Association/Laurence Kurth	Jones, Kurth & Andrews 10100 Reunion Place #600 San Antonio TX 78216	P 210-344-3900 F 210-366-4301 lsk@jka-law.com
Texas Lawyers Concerned for Lawyers/Allan Dubois	105 St. Mary's Street, Suite 1900 San Antonio TX 78205	P 210-227-3106 F 210-227-1290
Texas Trial Lawyers Association/Tommy Townsend	PO Box 788 Austin TX 78767	P 512-476-3852 P 512-438-6138 TTownsend@TTLA.com
Texas Women Lawyers/ Norma Hackler	3267 Bee Caves Road, Suite 107 PMB 208 Austin TX 78746	P 512-291-1312 F 512-291-1170 twldir@flash.net
<i>METROPOLITAN BAR ASSOCIATIONS</i>		
Corpus Christi Bar Association/ Irene Canales	901 Leopard Street, Room 312 Corpus Christi TX 78401-3602	P 361-883-4022 F 361-883-0353 icanales@nueces.esc2.net
Dallas Bar Association/ Catharine Maher	2101 Ross Avenue Dallas TX 75201-2768	P 214-220-7401 F 214-220-7465 cmaher@dallasbar.org
El Paso Bar Association/ Nancy Gallego	500 East San Antonio, Suite L115 El Paso TX 79901-2420	P 915-532-7052 F 915-532-7067 epba@dz.com
Galveston County Bar Association/Jennifer Overbeck	722 Moody, Room 604 Galveston TX 77550	P 409-765-2601 F 409-762-1098 JAOVER@yahoo.com
Hidalgo County Bar Association/Geri Worthington	314 South Closner Boulevard Edinburg TX 78539	P 956-380-1691 F 956-383-5322 hcba@hiline.net
Houston Bar Association/Kay Sim	1001 Fannin, Suite 1300 Houston TX 77002	P 713-759-1133 F 713-759-1710 kays@hba.org
Jefferson County Bar Association/Judy Rienstra	1149 Pearl Street, Suite 337 Beaumont TX 77701	P 409-835-8647 F 409-839-2317 director@jcba.org
Lubbock County Bar Association/Martha Miller	PO Box 109 Lubbock TX 79408	P 806-775-1389 F 806-775-1615 lcba@lcba.org
San Antonio Bar Association/ Jimmy Allison	Bexar County Courthouse, 5th Floor San Antonio TX 78205	P 210-227-8822 F 210-271-9614 gabeg@sabar.org

Smith County Bar Association/Christy Keul	100 North Broadway 21-B Tyler TX 75710	P 903-526-2700 F 903-592-2024 countylaw@tyler.net
Tarrant County Bar Association/Patricia Graham	1315 Calhoun Street Fort Worth TX 76102-6504	P 817-338-4092 F 817-335-9238 trisha@tarrantbar.org
Travis County Bar Association/Delaine Carmona	700 Lavaca Street, Suite 602 Austin TX 78701-3102	P 512-472-0279 F 512-473-2720 delaine@travisbar.com

In addition, a list of the 29 Texas Young Lawyers Association local affiliates can be found in State Bar Exhibit 33.

LIAISONS AT OTHER STATE AGENCIES

(with which the 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 Number Fax Number E-mail Address
Board of Law Examiners/Executive Director/Julia Vaughn	PO Box 13486 Austin TX 78711-3586	P 512-463-1621 F 512-463-5300 julia.vaughn@mail.capnet.state.tx.us
Commission on Judicial Conduct/Executive Director/Margaret Reaves	PO Box 12265 Austin TX 78711	P 512-463-5533 F 512-463-0511 cjc@courts.state.tx.us
Comptroller of Public Accounts/Lockbox Supervisor/Rick Ochoa	Banking and Electronic Processing Division Rusk State Office Building 208 East 10th Street Austin TX 78701	P 512-463-6385 F 512-475-3317 rick.ochoa@cpa.state.tx.us
Comptroller of Public Accounts/Appropriation Control Officer/Andy Gonzales	Fund Accounting LBJ Office Building 111 East 17th Street Austin TX 78774	P 512-463-4775 F 512-475-0527 andres.gonzales@cpa.state.tx.us
Comptroller of Public Accounts/Claims Division/Lupe Yanes	LBJ Office Building 111 East 17th Street Austin TX 78774	P 512-463-3662 F 512-305-9727 lupe.yanes@cpa.state.tx.us
Employees Retirement System/Customer service line	PO Box 13207 Austin TX 78711-3207	P 512-867-7711 F 512-867-7438
Employees Retirement System/Accountant/Debbie Woodward	Insurance Division 1801 Brazos Austin TX 78701	P 512-867-7202 F 512-867-7491 woodward@ers.state.tx.us

Employees Retirement System/ Peggy McDaniels	TexFlex Division 1801 Brazos Austin TX 78701	P 512-867-7295 F 512-867-7640 pmcdaniels@ers.state.tx.us
Employees Retirement System/ Diane Hight	Deferred Compensation Division 1801 Brazos Austin TX 78701	P 512-867-7337 F 512-867-7438 dhight@ers.state.tx.us
Employees Retirement System/Bernie Mielock	Retirement Division 1801 Brazos Austin TX 78701	P 512-867-7113 F 512-867-7640 bmielock@ers.state.tx.us
General Services Commission/ Janet Reed	PO Box 13047 Austin TX 78711-3047	P 512-463-3352 P 512-475-2508 janet.reed@gsc.state.tx.us
Office of the Attorney General/ Rex Uberman and Rita Baranowski	Crime Victims Compensation Division	P 512-936-1200 F 512-370-9304 rex.uberman@oag.st.tx.us rita.baranowski@oag.st.tx.us
Office of the Attorney General/Contact for TYLA Child Support Enforcement Project/ Frank Pierce	Special Assistant Attorney General Child Support Enforcement Division 2440 Texas Parkway, Suite 300 Missouri City TX 77489	P 281-208-6333 F 281-208-2157
Office of Court Administration/ Jerry Benedict	205 West 14th Street, Suite 600 Austin TX 78701	P 512-463-1625 F 512-463-1648 jerry.benedict@courts.state.tx.us
Office of Public Insurance Counsel/Rod Bordelon	333 Guadalupe, Suite 3-120 Austin TX 78701	P 512-322-4143 F 512-322-4148 opic@mail.capnet.state.tx.us
Secretary of State/web site	Statutory Filings Division Texas Register Section James E. Rudder Building 1019 Brazos Street Austin TX 78701	P 512-463-5561 F 512-463-5569 www.sos.state.tx.us
Secretary of State/Contact for TYLA Colonias and VoTexas Projects/ Henry Cuellar	State Capitol, Room 1E.8 Austin TX 78701	P 512-463-5770 F 512-475-2761 hcuellar@sos.state.tx.us
Supreme Court of Texas Chief Justice Tom Phillips Craig Enoch, Liaison to State Bar Board Deborah Hankinson, Access to Justice Commission John Adams, Clerk Osler McCarthy, Staff Attorney for Public Information for the Supreme Court of Texas	PO Box 12248 Austin TX 78711-2248	P 512-463-1312 F 512-463-1365 Craig.Enoch@courts.state.tx.us Deborah.Hankinson@ courts.state.tx.us John.Adams@courts.state.tx.us Osler.McCarthy@courts.state.tx.us

Texas Department of Criminal Justice/Barry Clar	Staff Counsel for Offenders PO Box 4005 Huntsville TX 77342	P 936-437-5260 super.immig@tdcj.state.tx.us
Texas Education Agency/ Cheryl Wright	1701 North Congress Avenue, Suite 3.121 Austin TX 78701-1494	P 512-463-9580 F 512-463-8057 cwright@mail.tea.state.tx.us
Texas Health and Human Services Commission/Edli Colberg	4900 North Lamar, 4th Floor Austin TX 78751	P 512-424-6637 F 512-424-6590 edli.colberg@hhsc.state.tx.us
Texas Judicial Council/ Director/Elizabeth Kilgo	PO Box 12066 Austin, TX 78711	P 512-463-1625 F 512-463-1648 elizabeth.kilgo@courts.state.tx.us
Texas State Library and Archives/Colleen Munds	1201 Brazos Austin TX 78711	P 512-452-9252 cmunds@tsl.state.tx.us
Texas Workforce Commission/ web site interaction only	101 East 15th Street Austin TX 78778	P 512-463-2222 web site: www.twc.state.tx.us
BAR RELATED ENTITIES (organizations and groups that are affiliated with the State Bar and often serve similar purposes)		
<i>Affiliated Boards and Entities (Created by either the State Bar or the Supreme Court and administratively connected to the State Bar of Texas)</i>		
Center for Legal Ethics and Professionalism/Beryl P. Crowley	PO Box 12487 Capitol Station Austin TX 78711-2487	P 512-463-1477 F 512-463-1459 bcrowley@txethics.org
Law Focused Education, Inc./ Al Vera, President	1038 Candlelight Lane Houston TX 77018-2004	P 713-226-4900 F 713-226-4999
Texas Bar Foundation/ Eduardo Aguirre, Jr., Board Chair	13611 Still Bay Court Houston TX 77077-3423	P 281-556-0753
Texas Board of Legal Specialization/ Jay Goss, Board Chair	Bruchez & Goss 4343 Carter Creek Parkway Suite 100 Bryan TX 77802	P 979-268-4343 F 801-650-1163 jgoss@bruchez.com
Texas Equal Access to Justice Foundation/ Richard L. Tate, Board Chair	206 South 2nd Street Richmond TX 77469	P 281-341-0077 F 281-341-1003 richtate@world-net.att.net
Access to Justice Commission/ John R. Jones, Chair	221 North Kansas, Suite 2000 El Paso TX 79901	P 915-544-9997 F 915-544-8544 jjon@delgadoacosta.com
<i>Bar-related entities that are not specifically affiliated with the State Bar of Texas</i>		

Texas Bar Historical Foundation/ Gov. Bill Daniel, President	PO Box 87 Liberty TX 77575	P 409-336-5221 F 409-336-5370
Texas Center for the Judiciary/ Mari Kay Bickett	1414 Colorado, Suite 502 Austin TX 78701	P 512-463-1530 F 512-469-7664 mkbickett@yourhonor.com
Texas Lawyers Auxiliary/ Stephanie Whitehurst	2703 Westlake Drive Austin TX 78746	P 512-327-7342
Texas Lawyers' Insurance Exchange	PO Box 13325 Austin TX 78711	P 512-480-9074 F 512-482-8738 Info@tlie.org
Texas Legal Protection Plan/ Pat Patterson	901 MoPac Expressway South Barton Oak Plaza Two, Suite 385 Austin TX 78746	P 512-327-1372 F 512-327-0163 ppatterson@tlpp.org
Texas Municipal Courts Education Center/Hope Lochridge	1601 Rio Grande, Suite 550 Austin TX 78701	P 512-320-8274 F 512-435-6118 hope@tmcec.com
Texas Real Estate Broker/Lawyer Committee/ Walter Borgfeld, Co-Chair	PO Box 151556 Lufkin TX 75915-1556	P 409-639-5053
<i>LEGAL SERVICES PROVIDERS</i>		
Legal Services Corporation/ Randi Youells	750 First Street NE, 11th Floor Washington DC 20002-4250	P 202-336-8800 F 202-336-8959 youells@lsc.gov
Advocacy, Inc./ James Comstock-Galagan	7800 Shoal Creek Boulevard, Suite 171-E Austin TX 78757-1024	P 512-454-4816, extension 313 F 512-323-0902 jgalagan@advocacyinc.org
Aids Legal Resource Project/ Donna Davis	PO Box 667157 Houston TX 77266	P 713-522-0636 F 713-647-0128 donna@davis@att.net
Texas Community Building with Attorney Resources (Texas C-Bar)	2201 Post Road, Suite 101 Austin TX 78704	P 512-447-7707, extension 370 F 512-447-3940 hway@lact.org
Texas Accountants and Lawyers for the Arts/Jane S. Lowery	1540 Sul Ross Houston TX 77006	P 713-526-4876 F 713-526-1299 info@talarts.org
Women's Advocacy Project/ Shelia Enid Cheney	PO Box 833 Austin TX 78767-0833	P 512-476-5377 F 512-476-5773 sec@women-law.org
Texas Legal Services Center/ Randy Chapman	815 Brazos, Suite 1100 Austin TX 78701	P 512-477-6000 F 512-477-6576 rchapman@tlsc.org

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Bexar County Legal Aid	434 South Main, Suite 300 San Antonio TX 78204	P 210-227-0111 F 210-223-4728 beg@swbell.net
Coastal Bend Legal Services	102 Pueblo Street Corpus Christi TX 78405	P 361-883-3623, extension 143 F 361-883-7615 cbls@intcomm.net
East Texas Legal Services	PO Box 631070 Nacogdoches TX 75963-1070	P 409-560-1455 F 409-560-5385 paulfurrh@netdot.com
El Paso Legal Assistance Society	1301 North Oregon Street El Paso TX 79902-4025	P 915-544-3022 F 915-544-3789 jsanchez@eplas.org
Gulf Coast Legal Foundation	1415 Fannin Avenue, 3rd Floor Houston TX 77002	P 713-652-0077 F 713-652-2709 dbilton@gclf.org
Legal Aid of Central Texas/ Regina Rogoff	2201 Post Road, Suite 101 Austin TX 78704	P 512-447-7707, extension 350 F 512-447-3940 rrogoff@lact.org
North Texas Legal Services/ Jonathan W. Vickery	1515 Main Street Dallas TX 75201	P 214-748-1234 F 214-761-1077 janathav@lsnt.org
Texas Rural Legal Aid/ David G. Hall	259 South Texas Weslaco TX 78596	P 956-968-6574 F 956-968-8823 dhall@trla.org
West Texas Legal Services	600 East Weatherford Street Fort Worth TX 76102	P 817-877-0609 F 817-336-8625 jgaines@wtxls.org
<i>METROPOLITAN LAWYER REFERRAL SERVICES</i>		
Arlington Bar Association/ Wes Ball	4025 Woodlawn Park Boulevard, Suite 100 Arlington TX 76013	P 817-860-6445 F 817-860-6445
Corpus Christi Bar Association Lawyer Referral Service/ Irene Canales	Nueces County Courthouse 901 Leopard, Suite 312 Corpus Christi TX 78401	P 512-883-4022 F 361-883-0353 icanales@nueces.esc2.net
Dallas Bar Association LRS/ Randall Umana	2101 Ross Avenue Dallas TX 75201	P 214-220-7400 F 214-220-7465 Rumana@dallasbar.org
Dallas Criminal Defense Lawyers LRS/William E. Johnson	811 Preston, Suite 500 Dallas TX 75225	P 214-748-8871 F 214-528-6601

El Paso Bar Association LRS/ Nancy Gallego	500 East San Antonio Room 1-115 El Paso TX 79901	P 915-532-7052 F 915-532-7067
Harris County Bar Association LRS/ Rick Brass	202 Travis, Suite 208 Houston TX 77002	P 713-236-1000 F 713-622-7967
Harris County Criminal Lawyers/ Jay Skelton	PO Box 22773 Houston TX 77027	P 713-227-2404 F 713-529-2999
Houston Lawyer Referral Service, Inc./Janet B. Diaz	1001 Fannin Street, Suite 1370 Houston TX 77002	P 713-650-0470 F 713-759-1710 hlrs@neosoft.com
Jefferson County Bar Association/ Judy Reinstra	1149 Pearl, Suite 337 Beaumont TX 7701	P 409-835-8647 F 409-839-2317 director@jcba.org
North Dallas Bar Association/ Carole Hamilton	211 North Record Street, LB-15 Dallas TX 75202	P 214-748-0681 F 214-742-7313
Plano Bar Association/ C. Lewis Hoffner	101 East Park Boulevard, Suite 1001 Plano TX 75074	P 972-442-2880 F 972-578-8412
San Antonio Bar Association LRS/ Sylvia Hernandez	5th Floor Bexar County Courthouse San Antonio TX 78205	P 210-227-8822 F 210-271-9614 sylvia@saba.org
Tarrant County Bar Association LRS/ Patricia Graham	1315 Calhoun Street Fort Worth TX 76102	P 817-338-4092 F 817-335-9238
Travis County Bar Association LRS/ Jeannie Rollo	PO Box 218 Austin TX 78767	P 512-472-1311 F 512-473-2720 jeannie@travisbar.org

VIII. 77th Legislative Session Chart

State Bar of Texas Exhibit 17: 77th Legislative Session Chart		
Legislation Enacted in the 77th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent
HB 792	Wolens	<p>Imposes restrictions regarding the composition of panel members of district grievance committees; requires panels to disclose to the parties the vote tally; specifies that respondents in complaints brought by non-clients need not disclose attorney/client privileged information; and provides for expunction of a dismissed disciplinary matter. Requires the State Bar to study its rules to determine the extent of conformity with state law and to issue a report by September 1, 2002.</p> <p>Intent of the requirements pertaining to panels and panel members to ensure greater public participation in the grievance process, accessibility to the vote tally of the members, and control by the parties over the composition of a panel. Intent of the regulation regarding attorney/client privileged information to impact complaints which are filed against a lawyer by a non-client. Intent of the requirement pertaining to dismissed disciplinary actions to create the ability of the respondent to expunge a dismissed disciplinary matter.</p>
HB 1712	Maxey	<p>Requires the State Bar to post attorney profiles online by September 2003. Requires the State Bar to update the profiles annually. Provides for a \$10 annual fee the State Bar may collect to defray the costs of the profiles.</p> <p>Intent to provide the public with more detailed information about attorneys.</p>
SB 1119	Armbrister	<p>Revises various provisions regarding the conduct of bail bondsmen. Requires licensees to complete at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and that are offered by an institution of higher education accredited by the state.</p> <p>Intent to require more training for bail bondsmen.</p>

Legislation Not Passed in the 77th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Intent/Reason the Bill did not Pass
HB 387/SB 1365	Luna/Van de Putte	<p>Allows attorneys who volunteer with pro bono programs of the Attorney General's office to receive minimum continuing legal education credit</p> <p>Intent to encourage pro bono involvement with the Attorney General's child support enforcement project</p> <p>Bill died in House Judicial Affairs Committee. The State Bar determined that the MCLE credit for this activity could be granted administratively.</p>
HB 2723	Raymond	<p>Establishes provisions for a civil action involving a person who makes a complaint with a governmental agency. Subjects attorneys who violate the chapter to professional discipline by the State Bar.</p> <p>Intent to discourage lawsuits against people who provide information or testimony to governmental entities.</p> <p>Bill was vetoed.</p>
SB 1654	Bernsen	<p>Prohibits an insurer from submitting to a defense counsel a litigation-management guideline that limits the attorney's duty to his client. Based on State Bar Professional Ethics Committee Opinions 533.</p> <p>Intent to forbid insurance companies from making "HMO-like" decisions limiting a client's options and circumventing an attorney's duty to his client.</p> <p>Bill was vetoed.</p>
SB 1210	West	<p>Requires certain staff attorneys and law clerks of state courts to reveal bonuses they are to receive from future employers. States that lawyers who violate the statute are subject to sanctions by the State Bar.</p> <p>Intent to limit "perks for clerks" who might review a case before the court that involves a future employer</p> <p>Bill was vetoed.</p>

The State Bar Legislative Package

The following chart summarizes the State Bar legislative package during the 77th Legislative Session. Legislation may be proposed for support by the State Bar by a board member or by a section of the State Bar. Proposals must comply with State Bar Board Policy Manual, Section 15, Policy Governing Legislative Action. The process involves compliance with strict guidelines and deadlines as set by the board of directors and described in the "State Legislative Timetable" attached in State Bar Exhibit 34. Sections or board members proposing legislation are required to provide specific background information on each proposal and forward the proposals to all sections and committees of the Bar for review. The proposals are then forwarded to the State Bar's executive director and compiled for review by the board's Legislative Policy Committee.

In September of even-numbered years, the board of directors votes on whether to support the section and board proposals. The board also votes on whether a proposing section may support legislation in its own name or in the State Bar’s name. These board votes are based on recommendations made by the Legislative Policy Committee of the board, which reviews and hears comments on legislation by proposing sections or board members prior to the board meeting.

Proposals must fall within stated purposes in State Bar Act, as well as not be divisive among Bar membership. Legislation shall be in the public interest, not have as its primary purpose to provide economic benefit to members of the State Bar, and not be construed as advocating political or ideological positions.

Legislation typically is considered “law improvement” in substantive areas of the law, meaning it clarifies existing ambiguities in the law or makes technical corrections to oversights or unintended conflicts in different statutes. In addition to law improvement, the primary focus of most other State Bar package legislation is public service. For example, during the 2001 legislative session, the State Bar supported three proposals intended to promote access to civil legal services for the indigent.

2001 State Bar of Texas Legislative Package

<i>Bill #</i>	<i>Status</i>	<i>Proposal</i>	<i>Board Action</i>
BOARD PROPOSED			
HB 2323	Effective 9/1/01	Relating to repayment of certain education loans	Support - State Bar
SB 311	Effective 9/1/01	Relating to the inclusion of certain entities in the state cooperative purchasing system	Support - State Bar
SB 1	Effective 6/17/01	Consider seeking support to secure an appropriation from the Crime Victims Compensation Fund for grants to nonprofit organizations that provide civil legal services to poor crime victims	Support - State Bar
ALTERNATIVE DISPUTE RESOLUTION SECTION			
HB 1364	Did not pass	Relating to the amendment of certain provisions in the Civil Practice and Remedies Code §152.004(a) and §152.005(a)	Support - State Bar
FAMILY LAW SECTION			
HB 593	Effective 9/1/01	Relating to the information required in pleadings under the Family Code	Support - State Bar
HB 691	Effective 9/1/01	Relating to the income withholding for the payment of spousal maintenance	Support - State Bar

HB 920	Effective 6/14/01	Relating to defining the parent-child relationship; child of assisted reproduction and judicial validation of gestational agreements and the rights and duties of parties to such agreements (Uniform Parentage Act)	Support - Family Law Section
HB 597	Did not pass	Relating to the exclusive right to determine the primary residence of the child and a child's preference in suits affecting the parent child relationship	Support - State Bar
HB 596	Effective 9/1/01	Relating to modifications in suits affecting the parent child relationship	Support - State Bar
HB 594	Effective 9/1/01	Relating to findings of fact and conclusions of law by a court in a suit for dissolution of marriage	Support - State Bar
REAL ESTATE, PROBATE AND TRUST LAW SECTION			
HB 2804	Effective 9/1/01	Relating to certain instruments recorded to create liens on property or to show satisfaction of a judgment	Support - State Bar
HB 1995	Effective 9/1/01	Relating to permitted homestead liens	Support - State Bar
SB 723	Effective 9/1/01	Probate Code §89A, §177, §313	Support - State Bar
HB 1132	Effective 9/1/01	Probate Code §485 Guardianship Code §601, §665, §676, §677, §677A, §745, §760A, §760B, §761, §865A, §875, §883, §883A, §883B, §883C, §884, §884A	Support - State Bar
HB 952	Effective 9/1/01	Relating to interstate guardianships	Support - State Bar

IX. Policy Issues

A. Brief Description of Issue

Issue #1

Should the current structure of the State Bar of Texas be revised or should it be retained?

B. Discussion

Context of the Issue

Every state bar association has a unique relationship to the judicial branch of state government. Upon licensure, each attorney takes an oath and becomes an “officer of the court.” Because attorneys are integral to the judicial process, the regulatory functions of bar associations are of great importance to the judiciary. Stringent regulation of attorneys is necessary both to protect the public and to further the administration of justice.

In most states, the ultimate responsibility for a bar association and its regulatory functions lies in a state supreme court, which exercises supervisory oversight over the state bar. In many states, the legislature also exerts some regulatory authority over the state bar by passing laws that complement the supervisory activities of the state supreme court.

The State Bar of Texas enjoys dual regulation by the Supreme Court of Texas, through its inherent judicial power, and the Texas Legislature, through the passage of laws such as the State Bar Act. In Texas and other states, this complex, but important, structure has been questioned and challenged from time to time. For example, when the Sunset Advisory Commission last reviewed the State Bar of Texas and its functions, the Sunset staff proposed several changes to the Bar’s regulatory structure. Among its recommendations were that legislative involvement should be completely eliminated by repealing the State Bar Act, that the Supreme Court should determine whether the Bar should remain unified, and that a separate agency should be created for the regulation of attorneys. Thus, this policy issue anticipates that the Bar's current regulatory structure might be questioned again. It is intended to provide background on the current structure and outline reasons why the Bar believes that the current structure should be maintained.

Regulatory History of the State Bar

The State Bar of Texas is a public corporation and administrative agency of the judicial department of government. The State Bar began as a voluntary organization in 1882, when 300 lawyers and judges gathered in Galveston to form the Texas Bar Association. Desiring to establish a better vehicle through which attorneys could maintain the highest ethical standards, a Bar committee began in 1927 to draft a bill that would unify the bar through legislation allowing further controls over standards of legal practice. The Legislature adopted the State Bar Act in 1939, establishing the unified or integrated bar as a public corporation because it felt that the legal profession needed more regulation and support. In 1979, the State Bar Act was re-enacted, re-establishing the State Bar as a public corporation and an administrative agency of the judicial department, with ultimate responsibility residing in the Supreme Court of Texas. After the passage of the State Bar Act in 1979, the Supreme Court issued an order to clarify the court’s interpretation of the Act and to re-establish

that the court has the “primary responsibility for the administration of justice in the constitutional separation of powers between the three governmental branches.”

Dual Regulation

The Supreme Court has the inherent power to regulate the practice of law in Texas for the benefit of all the people and to assure the best justice system is available to them. The court’s inherent power is derived in part from Article II, Section 1 of the Texas Constitution, which divides state governmental power among three departments. The authority conveyed to the Supreme Court by this constitutional provision includes the regulation of judicial affairs and the direction of the administration of justice in the judicial department.

The Supreme Court, however, has never assumed sole regulation of the State Bar. Rather, the Supreme Court’s inherent power to regulate Texas law practice is supplemented and aided by statute, primarily the State Bar Act. The Legislature has amended the State Bar Act on numerous occasions. In addition, the legislative branch has consistently exerted regulatory authority over the State Bar. For example, the State Bar is subject to sunset review. The Supreme Court has encouraged this dual regulation of the State Bar by the legislative and judicial branches.

Functions of the State Bar

The State Bar is a governmental entity with both regulatory and non-regulatory functions. The purposes of the State Bar, as set out in the State Bar Act, are as follows:

- (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).

Structure and Self-Sufficiency of the Bar

The State Bar, as a public corporation, is governed by a board of directors that is responsible for the formulation and execution of policy and activities. Thirty directors are elected representatives of the lawyers who live in geographic districts. Thus, all lawyers who choose to exercise their right to vote can participate in the process of governing their profession. Public (non-lawyer) members, who are appointed by the Supreme Court (half chosen from a list of candidates provided by the governor and half chosen from the Court’s own list) with the advice and consent of the Senate, also serve on the board and assist in representing the interests of the public. The State Bar Board of Directors operates in a democratic manner and is subject to the Texas Open Meetings Act.

The State Bar may sue and be sued in its own name, enter into contracts, and do all other acts incidental to those contracts that are necessary or expedient for the administration of its affairs and for the attainment of its purposes. In addition, the State Bar is able to engage in activities that generate income for the Bar, which it utilizes to fund the various activities and programs established pursuant to the requirements in its purposes clause.

The State Bar is self-sufficient. The State Bar receives no funding through the General Appropriations Act or from the State in any way. State Bar dues are determined by referendum of the Bar's membership and adopted and implemented by the Supreme Court. These dues are not deposited into the State Treasury, but are collected by the Clerk of the Supreme Court and distributed by the Clerk to the Bar for its administration and programs. The State Bar pays the state for any services that it obtains. The State Bar is able to perform all of its mandated functions at no cost to the State or the taxpayer, and at low cost to attorneys, because of an extensive commitment of volunteer hours by lawyers across the state.

The State Bar of Texas is a unified or integrated bar, meaning that all attorneys licensed to practice law in Texas must belong to the State Bar and pay membership dues as a condition of practicing law in the state. Non-unified state bar associations are known as voluntary bar associations, meaning that an attorney is not required to join the bar when they receive a law license. Most local and specialty bar associations are voluntary bars.

C. Possible Solutions and Impact

Alternative One: Continue the current structure of the State Bar, with dual regulation by the judicial branch and legislative branch.

Alternative Two: Completely eliminate legislative involvement in the activities of the State Bar by repealing the State Bar Act.

Alternative Three: Provide legislative regulation of only the regulatory functions of the State Bar, leaving the non-regulatory functions to be handled by a voluntary organization controlled by the Supreme Court through its inherent power and not by statute.

The Benefits of Dual Regulation (Alternatives One and Two)

Dual regulation of the State Bar for 62 years by the judicial and legislative branches has been beneficial to the public and the profession. Of the 37 unified or integrated bars in the United States, nearly half are unified or integrated through court rule, while the rest are unified or integrated by statute or by statute and court order. Roughly half of the jurisdictions that support a unified or integrated bar also have statutory authority for non-regulatory functions performed by the state bars in those states.

Over the last six decades, the legislative branch has served a legitimate function in helping the judicial branch in the regulation of the legal profession in Texas. Legislative processes like sunset review have assisted the judicial branch in reviewing and assessing the State Bar's performance in meeting the needs of the public and the profession. In addition, the legislative process gives the public a forum for bringing their concerns to the attention of their elected legislators. Thus, the legislative branch contributes the important governmental function of oversight of agencies that only that branch is uniquely experienced, equipped, and qualified to handle. The judicial branch looks to the legislative branch for valuable assistance in overseeing judicial branch agencies.

The State Bar of Texas derives its power to regulate from the state as an arm of the judiciary. As such, it has the benefit of the tax-exempt status for ad valorem, sales, and federal income taxes that is afforded to all state agencies and other governmental entities. Under the separation of powers doctrine and pursuant to the Texas Constitution, the Supreme Court is the proper branch ultimately to control and regulate the legal

profession. But without surrendering its jurisdiction or ultimate responsibility, the judicial branch has looked to the legislative branch for help in determining what is in the best interest of the public and, in the spirit of cooperation, has used the advice of the legislative branch as an aid to the administration of justice in this state. The judicial and legislative branches in Texas have achieved an important balance in the regulation of the State Bar and the legal profession. This dual regulation has played a substantial role in developing the State Bar of Texas into one of the finest unified bars in the nation.

Unlike most state regulatory agencies, the State Bar was specifically created to perform more than just regulatory functions. The State Bar's nonregulatory functions are proper state functions and are intertwined with its regulatory functions to the point that they are now virtually inseparable. In fact, most functions characterized as "nonregulatory" promote the express purposes of the State Bar and relate directly to the Bar's "regulatory" functions. For example, the State Bar's nationally-acclaimed continuing legal education programs, although technically nonregulatory, indirectly work to "improve the administration of justice" and "advance the quality of legal services to the public" by raising the level of competence and skills of bar members. In addition, these programs are inextricably linked with the State Bar's regulatory function of enforcing minimum continuing legal education requirements for lawyers.

The State Bar Act specifies, as two of the State Bar's purposes, aiding "courts in carrying on and improving the administration of justice" and "advancing] the quality of legal services to the public, and . . . foster[ing] the role of the legal profession in serving the public." The administration of justice is a primary governmental function. The U.S. Supreme Court has held that functions and activities of a state bar that "advance the quality of legal services" are proper state functions. Such functions include both regulatory and nonregulatory functions that advance both the quality of legal services and, by necessary inference, the conduct and activities of the bar as an entity. Indeed, the U.S. Supreme Court has noted that "[b]oth in purport and in practice the bulk of the State Bar activities serve the function ... of reasonably elevating the educational and ethical standards of the Bar..." and "are a legitimate end of state policy." Regulation of the Bar is thus at the core of the State's power and responsibility to protect the public. The State Bar's nonregulatory functions, conduct, and activities related to advancing the quality of legal services and fostering the role of the legal profession in serving the public are, therefore, proper state functions. The legislative branch's involvement in these nonregulatory functions is desired by both the legislative and judicial branches and serves to promote the express mandate that the State Bar "advance the administration of justice" and "improve the quality of legal services" to the public. In view of this close relationship between the "regulatory" and "nonregulatory" functions of the State Bar, the existing structure of the State Bar, with dual regulation by the judicial and legislative branches, should be retained.

The Benefits of a Unified Bar (Alternative Three)

The unified bar had its origins in early Anglo-Saxon law in England and began developing significant support in the United States in the 1920s. Today, unified bars are the favored system across the United States—37 states and territories have unified bars.

The primary rationale for the unified bar is regulation of the legal profession so that the public is well protected and high ethical standards are maintained by members of the profession. The regulation of the legal profession is of special interest to the states, because lawyers are essential to the primary governmental function of administering justice. As sworn "officers of the court," lawyers shoulder a responsibility that members of other professions do not. The Supreme Court of Texas has recognized in a 1979 court order that the unified bar is "the best method of regulating the legal profession and in assisting this Court in the administration of justice."

A unified bar serves the public efficiently, by performing functions that might otherwise have to be handled at higher cost by other agencies (e.g., discipline, continuing legal education, access to justice). The foremost contributing factor to this efficiency and cost savings is the volunteer time of thousands of lawyers who enable the State Bar to fulfill its key functions. For example, in the attorney discipline system, regional grievance committees are “staffed” entirely by volunteer lawyers (and volunteer public members). Also, the Bar's officers and board of directors are volunteers, as are all instructors at the Bar's continuing legal education courses, and all leaders of bar committees and sections.

The State Bar of Texas has been unified for more than 60 years, enabling it to create many programs that benefit the public, protect the public, and enhance the administration of justice. Mandatory membership and payment of Bar dues ensure that the Bar has the resources necessary to carry out these programs. Paramount among these programs is the Bar's discipline system, which effectively maintains supervisory control over the profession through prosecution of violations of the Texas Disciplinary Rules of Professional Conduct. The service of lawyers to the public is also greatly enhanced by the Bar's administration of mandatory continuing legal education.

The State Bar of Texas is democratic, in that it assures that all members have the opportunity to participate, debate, and dissent. Because it is a statewide organization with a global perspective, the Bar can offer services and programs that benefit all lawyers and all segments of the public, especially those in rural areas who might otherwise be largely ignored and unserved. The Bar's membership is more representative of the diverse group of lawyers practicing in the state of Texas than a voluntary bar could be.

In contrast, voluntary bars must spend valuable time and money on recruiting and maintaining their memberships, causing core programs that do not economically benefit the bar and its members inevitably to suffer — programs such as the Access to Justice Commission (and Texas Lawyers Care), Law-Related Education, the Professionalism Enhancement Program, and the Texas Lawyers' Assistance Program. These and other important programs that generate no net revenue for the Bar would be at risk of elimination—even though they add great value by improving our justice system and the legal profession and improving the services provided to the public.

Any change from the current system probably would be more bureaucratic, more costly, and less responsive. Wisconsin attorneys experimented with a voluntary bar for four years and returned to a unified bar, finding that the state's interest in regulating the legal profession and improving the quality of legal services was best furthered by an unified bar. The State Bar of Texas should likewise retain its current unified structure with overall responsibility delegated to the Supreme Court (and assisted by the Legislature). That way, this state can best continue its strong tradition of producing highly-qualified lawyers with the highest ethical standards and provide many services to the public.

A. Brief Description of Issue

Issue #2

Does the Texas Attorney Disciplinary and Disability System as currently configured fulfill its stated purposes?

B. Discussion

Background

The Texas attorney discipline and disability system is articulated in the Texas Rules of Disciplinary Procedure (the rules), discussed in the State Bar Act, and expanded upon in the Internal Operating Rules of both the Board of Disciplinary Appeals (BODA) and the Commission for Lawyer Discipline (commission). The goals of the system are multifold: upholding appropriate standards of professional conduct on the part of lawyers; ensuring public access to and participation in the process; identifying and addressing lawyers with disabilities that impede or impair their ability to discharge client obligations; protecting the public from potential future misconduct of errant lawyers; and upholding the dignity of the profession and the integrity of the legal system by the manner in which lawyers are regulated. In so doing, the system does not discriminate on the basis of race, creed, color, sex, or national origin.

In fashioning a system intended to meet these goals, several tenets have developed and been sustained through procedural revisions in the early 1990s: (1) the requirement that complaints be made in writing, (2) no standing requirement with respect to the identity of the person complaining, (3) the usage of professional staff in the classification, investigation, and presentation of disciplinary matters and in the representation of the disciplinary authority in litigation, (4) no staff “prosecutorial discretion” for any matter where professional misconduct is alleged, (5) the usage of volunteers, including members of the public unaffiliated with law practice, (6) confidentiality of the disciplinary proceedings to a certain point in the process, (7) a system that is independent of any political influence by the Bar’s governing body, and (8) immunity from suit for system participants, professional staff, and volunteers in the course and scope of their duties.

The current system also balances certain competing philosophies: (1) The goal to accommodate differences in community standards with respect to the practice of law versus a goal for consistency and uniformity statewide; and (2) the grievants’ airing of complaints on a level playing field with the accused lawyer in an informal setting versus the lawyers’ goal for procedural and substantive due process.

Discussion

Any thoughtful examination of the discipline and disability system should begin with a recognition of (1) the many constituencies it serves—the public, member lawyers as a whole, respondent lawyers, and the judiciary; (2) the various groups who participate—grievance committee members, the commission, the BODA, and again the judiciary; and (3) the larger audience of those who evaluate its success or failure—the public, the lawyers, the media, the Supreme Court, the Legislature, and other jurisdictions. No doubt the issues that each of these interest groups might identify as paramount to the system’s future would differ significantly. Setting aside a debate regarding the priority of the various issues, the following inquiries may require examination and resolution in the foreseeable future:

Should a system premised upon volunteer participation be maintained?

The rules place decision making at all levels in the hands of volunteers. Grievance committees—whose members total in excess of 800 statewide—are two-thirds lawyers and one-third public members. The Commission for Lawyer Discipline’s twelve members are half volunteer lawyers appointed by State Bar presidents and half volunteer public members appointed by the Supreme Court. The Board of Disciplinary Appeals’ nine lawyers (appointed by the Supreme Court) also devote countless volunteer hours to discharging their many duties under the rules.

Lawyer participation at all levels fulfills the profession’s objective of self-regulation and ensures input from those who theoretically practice in the same type of courts and firms as the accused lawyers. Grievance committee members are sought from myriad areas of practice, different sizes of firms, all sides of the bar, and from the public and private sectors, with the additional goal of matching demographically the lawyer population of the district. Public members come from diverse backgrounds and experiences, with a similar goal in their selection of populating committees with representatives of both genders and many racial and ethnic backgrounds.

Is the public sufficiently aware of the system and appropriately served by it?

The answer to this question goes to the heart of whether the disciplinary system is a success in achieving several of its principal goals. As with any system intended to address grievances, there will inevitably be individuals dissatisfied with a particular outcome—regardless of whether the outcome is correct and appropriate from a legal and equitable standpoint.

Since 1991, Texas lawyers have been required to publicize the existence of, and provide to their clients the contact information for, the disciplinary system by one of several means delineated in the State Bar Act. The State Bar also publishes in phone directories across the state information regarding the disciplinary system, including the listing of a toll-free number for securing information about filing a grievance.

Through these avenues and others, members of the public may secure an explanatory brochure and a grievance form—both are available in Spanish and English. During the course of the disciplinary process, complainants are frequently in phone contact with members of the Chief Disciplinary Counsel (CDC) staff regarding future events. At every significant juncture, they receive letters informing them of what has transpired and what is upcoming. Upon request, they can receive a free copy of a booklet which includes the Texas Disciplinary Rules of Procedure, the Texas Disciplinary Rules of Professional Conduct, the Internal Operating Rules of the Commission, and the Internal Operating Rules of the BODA. In practice, oftentimes complainants will receive additional information and suggestions from both staff and investigatory panel members regarding their situations. While it is not contemplated that the State Bar provide legal advice or representation to complainants in disciplinary matters (complainants are, in fact, witnesses rather than parties in the process), they are provided extensive written material and have substantial access to, and the ability to speak with, staff involved in handling their cases.

Additionally, the official website for the State Bar of Texas, www.texasbar.com, contains information for both the public and attorneys regarding the grievance system, including a grievance form that can be downloaded and utilized.

In the past several years, attention has been focused on the need to address the concerns of persons whose complaints regarding their lawyers do not rise to the level of professional misconduct. Such a person may file

a grievance, only to become even more frustrated when the disciplinary system offers no relief by rejecting the grievance as an inquiry—that is, by finding that the grievance does not articulate any acts or omissions on the part of the lawyer, which implicate the Texas Disciplinary Rules of Professional Conduct. For this reason, the dismissal, while on sound legal footing given an analysis of the allegations, may leave the complainant feeling frustrated with the disciplinary system and disenchanted with the legal system as a whole.

In June 1999, the State Bar Board of Directors and the Commission created a joint project—the Client-Attorney Assistance Program (CAAP)—specifically designed to address this problem and to assist clients and consumers. With its centrally-located staff of lawyers and non-lawyers, including persons experienced in social service arenas, CAAP began as a pilot program. After nine months as a pilot program, its success was endorsed by a State Bar Board of Directors’ vote approving its expansion to statewide coverage on a gradual basis. This expansion is ongoing.

For those portions of the state that it now covers, CAAP is the initial point of phone contact with callers to the toll-free grievance hotline. CAAP’s staff ascertains whether the caller should be routed to another office or agency, provides information regarding other options, provides information regarding the attorney disciplinary system, and, where appropriate, undertakes to ameliorate or resolve the conflict between client and lawyer. In its nearly two years of operation, and prior to being implemented statewide, CAAP has fielded in excess of 13,000 calls and participated in seeking to resolve more than 400 attorney-client disputes.

Are lawyers afforded a fair and adequate opportunity to defend themselves within the current system? Texas’ system is probably unique among the 50 states in its procedural complexities. Texas is believed to be the only state that affords the right to a trial by jury. Described simply from the respondent attorney’s perspective, the lawyer is notified of, and receives a copy of, a writing classified as either a complaint (which alleges misconduct facially) or an inquiry (which does not). The lawyer has the right to appeal an unfavorable classification. The lawyer is asked to respond in writing. The lawyer may seek to subpoena witnesses and documents through the investigatory panel. The lawyer also has the opportunity to seek a transfer of venue to another district if he or she contends the matter is not being heard in the appropriate county. The lawyer is notified of the prospective members of the panel to hear the case, as well as a larger pool from which substitutes may be drawn, and has the ability to seek to disqualify any panel member. The lawyer is notified of, and may attend, any hearing at which testimony will be taken.

The investigatory panel chair controls which witnesses testify and which documents are admitted, but the respondent has the right to have counsel present and the ability to request the asking of cross-questions through the panel chair. At this juncture the CDC represents the investigatory panel. Any final result to come out of the investigatory panel hearing, other than dismissal, can only be obtained with the consent of the respondent lawyer. If misconduct is found, the panel may or may not choose to negotiate resolution with the lawyer, but in any event will notify the lawyer of its findings.

If the case is neither dismissed nor resolved by agreement with the lawyer within a prescribed time frame, the lawyer may elect to have the matter heard de novo before either a district court or a different panel of the grievance committee acting as an adjudicatory body called an evidentiary panel. At this point the investigatory panel loses its status as the CDC’s client and is replaced by the commission. In the district court setting, all manner of discovery available in civil litigation exists. Discovery may also be undertaken upon a showing of good cause in the evidentiary panel setting. The evidentiary charge is limited to the findings of the investigatory panel. As was the case with investigatory panel, the respondent is provided names and addresses of prospective evidentiary panel members and afforded the opportunity to seek to disqualify any

prospective member. The respondent may also seek a transfer of venue at the evidentiary panel stage, if appropriate.

Some critics of the current system argue for more due process and a traditionally adversarial process—with cross-examination of witnesses, full-blown discovery, and charging instruments—at the initial stage of the grievance process. Proponents of the current system assert that those types of changes would further intimidate aggrieved clients and discourage participation in a system that already affords clients little more than the opportunity to testify regarding their perceived mistreatment by the lawyer and to recoup restitution-type damages (that is, fees paid but wholly unearned or funds which belong to the client and not the lawyer). Given the fact that a significant majority of the work done within the current system occurs at the initial stage of the process, changes toward a more adversarial process at this early stage would likely increase the cost of the system to all involved and lengthen the time between filing and final resolution.

Does the system adequately and appropriately address issues of disability?

The rules provide a process that contemplates the identification of disability issues during the course of the investigatory proceeding. Upon certification by an investigatory panel that a lawyer is disabled from practicing law by reason of a mental, physical, or psychological condition or impairment—such as drug and/or alcohol abuse, depression, or bipolar disorder—the matter is referred to the BODA for appointment of a district disability committee that will then determine whether in fact the lawyer is disabled. If disability is found, the lawyer is indefinitely suspended, with all proceedings other than the order being sealed and kept confidential. The rules further contemplate the lawyer's seeking reinstatement from disability suspension upon a proper showing, with the result of either dismissal of the petition, termination of the disability suspension, or placement of the attorney on a probated disability suspension for a defined period of time or upon further order of the BODA or a district court.

Even in instances where lawyers do not assert an impairment, those versed in issues related to drug and alcohol abuse report that a great deal of what presents itself as professional misconduct is rooted in some form of substance abuse. Many investigatory panels, believing that substance abuse plays a part in an attorney's behavior, will negotiate sanctions that include probationary terms such as mandatory participation in Alcoholics Anonymous, Narcotics Anonymous, or Texas Lawyers' Assistance Program activities; mentoring by a sponsoring lawyer; and undergoing psychological evaluation and treatment, where appropriate.

Does the system adequately and appropriately address lawyers who are found to have committed crimes?

Lawyers who are sentenced through the state or federal criminal system for defined categories of crimes are subject to compulsory discipline. The statutory scheme contemplates a fairly summary proceeding, with certified documentation from the criminal court establishing a prima facie case and the only legal issues being (1) whether the elements of the crime meet the criteria of the rules and (2) in some situations, what sanction is to be imposed—either suspension for the period of criminal probation or disbarment. The rules as written are in fact internally contradictory due to language mandating different outcomes for categories of crimes which in fact overlap. This conflict has been resolved in practical application by the BODA's interpretation that the rules afford the discretion to impose either outcome, depending upon the evidence of mitigation or aggravation presented.

C. Possible Solutions and Impact

The system could be changed from one based on volunteer involvement to a system primarily consisting of paid staff and paid hearing officers:

A system premised upon volunteer participation by lawyers and the public should be maintained. It provides lawyer and public input, access, and accountability. Volunteer involvement keeps the decision making reality-based and promotes access to the system by the same groups from which complainants and respondents come. Moreover, given the hundreds of hours devoted to hearings annually, the large cost savings of a volunteer system (compared to a system of more paid staff and paid hearing officers) argues strongly for the volunteer system.

Additional money and effort could be directed at informing the public about their rights under the State Bar's disability and disciplinary system:

Information about the Texas attorney disciplinary and disability system is available to consumers in a number of arenas, beginning with the requirement that lawyers themselves apprise their clients of how to contact the Bar to lodge a complaint. In an effort to broaden the audience served, the Bar's CAAP program is designed to assist persons whose complaints about their lawyers do not rise to the level of professional misconduct—with the goal of resolving minor disputes between attorneys and clients outside of the formal grievance process. Given that the financial resources of the State Bar are not unlimited, the public would seem to be adequately informed about the disability and disciplinary system and would seem to be receiving an appropriate level of response and service from the system.

More due process protection could be afforded to respondent lawyers:

Lawyers are afforded a fair and adequate opportunity to defend themselves within the current system. Since the rules became effective on May 1, 1992, many details in the functioning of the system which were either not spelled out or were unclear have been worked out through practical application. To date, no appellate court has nullified any practice or procedure undertaken as either inappropriate under the rules or violative of a respondent's due process rights. Nonetheless, it is recognized that some of the rules could be improved and clarified. Approval of certain modifications and revisions to the rules was sought in the 1998 referendum, which failed due to the lack of 51 percent participation by Bar members.

The rules could be amended or clarified to resolve particular issues that have arisen in the application of the rules when a disability is involved:

In the absence of any case law on this portion of the rules, it is unclear to what extent disability proceedings supersede and arrest any further disciplinary proceedings against the lawyer pending completion of both the disability proceeding and any period of indefinite disability suspension. If in fact the disciplinary process is halted, it may leave the claims of former clients unresolved for an indeterminate period of time. This is a specific issue that could be addressed by a rule change or rule clarification.

A related issue that arises is the assertion by a respondent of an impairment or condition offered to mitigate or excuse the alleged misconduct. While the rules state that such matters cannot be considered in mitigation absent the respondent's demonstration that he or she is successfully pursuing in good faith a program of recovery, there is still some question about what impact this has or should have on the sanction conferred. This is another issue that could be addressed by a rule change or rule clarification.

Also, a recent Texas Supreme Court decision could provide the impetus for studying whether changes should be made in the compulsory disbarment rules as they relate to the commission of certain drug-related offenses.

Any of these rule changes or rule clarifications would, of course, require approval by a referendum with 51 percent member participation.

The Rules could be amended or revised to clarify when compulsory disbarment is mandated:

The same recent opinion of the Texas Supreme Court suggests that a majority of the Court may believe that the compulsory discipline rules, as written, are in need of some revision. In making any such changes, two important questions would need to be resolved: (1) whether the current system sufficiently apprises lawyers of what crimes will subject them to compulsory discipline; and (2) whether the public is appropriately protected from being in a position of hiring a lawyer who has been convicted of a crime which, in the public's mind, should result in the lawyer's loss of license (but which, in fact, may not subject the lawyer to disbarment). Again, any changes to the compulsory discipline rules would require approval in a valid referendum.

A. Brief Description of Issue

Issue #3

Should 51 percent of registered State Bar members be required to vote in elections addressing changes to State Bar Rules in order for the referendum results to be valid?

B. Discussion

Government Code §81.024 states that the Supreme Court of Texas shall promulgate rules governing the State Bar. That section authorizes the Court to prepare, propose, and adopt rules or amendments to rules in three different scenarios:

- C as the Court considers necessary;
- C pursuant to a resolution of the State Bar Board of Directors; or
- C pursuant to a petition signed by at least 10 percent of the registered members of the State Bar.

That section also mandates that a referendum on rule changes is valid only if 51 percent of the registered members of the State Bar vote in the election. This requirement is commonly referred to as the "51% Rule." The election is administered by copies of the proposed rule changes being mailed to each licensed attorney. The Supreme Court only promulgates those rules and amendments (1) that receive a majority of votes cast in an election, *and* (2) when the election achieves the 51 percent threshold of participation.

The first State Bar referendum was held in 1944 and the most recent referendum was conducted in 1998. Typically, referenda have addressed State Bar administrative matters and rules governing the State Bar, including the dues structure. Thirty referenda have been conducted under the 51% Rule. Of those 30, only 19 have achieved the required voter participation.

The decision to conduct a referendum is based on many factors. As the State Bar's membership has grown, the factor of cost (and the most effective use of the Bar's valuable resources) has become an increasingly significant factor. Because of the 51% Rule, State Bar volunteers and staff must spend an inordinate amount of time and energy to encourage a sufficient turnout. In recent referenda, the State Bar has spent approximately \$250,000 per referendum to support efforts to get out the vote and to explain the proposed rules changes (that are often fairly complex and not subject to brief explanation).

Despite the human and financial resources put into encouraging members to vote, over one-third of the 30 referenda that required 51 percent participation have not achieved that turnout. In recent referenda, this result can be attributed partially to campaigns mounted by those opposing certain proposals. In some cases, opponents have encouraged State Bar members simply not to vote. If enough members refrain from voting, proposed rules changes can be defeated simply because the 51 percent level of participation is not achieved. In effect, the act of choosing not to vote becomes a "no" vote. Even in the case of lopsided election results, i.e., a proposal that is overwhelmingly accepted by State Bar members voting in the referendum, if there is not 51 percent participation, those votes do not count. In effect, attorneys choosing not to vote are "disenfranchising" the attorneys who vote, and the non-voter's failure to vote counts more than the voter's vote. For example, the most recent referendum in 1998 included an up or down vote on a set of proposed changes to the disciplinary rules. The proposal represented the product of many hours of work by the Commission for Lawyer Discipline, the Board of Disciplinary Appeals, members of the board's General Counsel Oversight Committee, and staff. This effort also included numerous public hearings. The majority (over 70 percent) of the lawyers who voted in the referendum favored the changes. However, because 51 percent of the membership did not participate, these improvements to the disciplinary system remain unimplemented.

C. Possible Solutions and Impact

Possible Solutions:

Clarify the approach used by the Court for promulgating and amending rules governing the State Bar, including a narrower definition of circumstances when a vote by the membership is required.

Under this approach, the 51% Rule would still be in effect. Government Code §81.024, however, could be amended to include a clear process for rule changes, including clarification of which type of rule changes require a membership vote and which type can be approved by the Supreme Court acting without a membership vote. A drawback to this approach is that the inherent difficulty and expense involved in achieving a 51 percent turnout—as Bar membership continues to grow—would not be addressed with respect to whatever types of rule changes still required membership approval.

Reduce the percentage of returned ballots required to validate an election.

If the percentage of the Bar membership required for a referendum to be valid were lowered to something in the 30 to 40 percent range, the State Bar would continue to have member input without jeopardizing the validity of each referendum. To accomplish this, it would be necessary to amend Government Code §81.024 to lower the 51 percent requirement.

*Change the requirement so that rule changes go into effect unless **disapproved** by 51 percent of State Bar members.*

If the 51% Rule were changed to require a negative vote rather than an affirmative vote, the State Bar could administer rules changes more effectively, but still be subject to membership disapproval if an unpopular rule were proposed.

Change statutory language in Government Code §81.024 so that referendum ballots can be administered electronically.

The current statute requires that ballots be *mailed* to each registered member of the State Bar in any election or referendum. Considering current technological capabilities, it is highly likely that ballots could be administered through e-mail and/or the State Bar web site in the near future. Facilitating the voting process might encourage more attorneys to vote and make the 51% requirement less onerous to achieve. Also, given the high cost of large volume mailings, the option of future electronic voting should be included in § 81.024.

Delete Government Code §81.024 and rely solely on the inherent rulemaking power of the Supreme Court of Texas.

The primary drawback of this approach would be the diminished amount of direct member input and feedback.

Impacts:

All of these potential solutions would benefit the State Bar by:

- C Decreasing the cost and the amount of valuable volunteer and staff resources that must be devoted to a referendum;
- C Assisting the Bar in being more flexible and more responsive to the changing legal environment; and
- C Increasing communication and continuing to strengthen the existing ties between the State Bar and the Supreme Court of Texas.

If the process for approving rule changes by referendum is modified or no longer required, there may be a perception that membership involvement in State Bar issues is being limited or eroded and that a small power base is controlling the Bar. Opponents of such statutory changes may also try to question the ability of the State Bar to be a self-governing body. As a unified bar, the State Bar represents *all* Texas attorneys. Any perception that the Bar answers only to a narrow constituency would undermine the self-regulating nature of the organization, and should be taken seriously and addressed. That said, if the 51% Rule is significantly changed, the State Bar would need to institute a system of checks and balances to ensure that each State Bar member still has a voice in all significant governance issues. Examples of such checks and balances include holding public hearings throughout the state and providing increased opportunities to Bar members and the public to comment and respond to issues.

A. Brief Description of Issue

Issue #4

Should the State Bar continue stewardship of its funds under the supervision of the Supreme Court of Texas?

B. Discussion

The Supreme Court is the appropriate entity to provide oversight of the Bar's budget because it has an outstanding history of working with the Bar in carrying out the Court's constitutional duty of administering justice. The Court can best ensure that the Bar is properly assisting in the administration of justice by overseeing the Bar's programs and their funding. The Court and the State Bar, working together, determine the priorities of the Bar and then direct the available funds to meet those priorities.

The Court and the Bar have developed a budgeting system with a system of checks and balances that has resulted in a high level of service to both Texas attorneys and the public. The budget is a zero-based budget. It is developed through budget meetings within the Bar between department directors and the Bar's senior management team. The executive director then develops a proposed budget and submits it to the board of director's budget committee. That committee focuses on variations from the previous year's budget and how the budget fits into the overall priorities of the State Bar. After changes are made by the Budget Committee, they are incorporated into the budget. The budget is then reviewed and approved by the full board of directors. Next, the budget is published in the *Texas Bar Journal* along with a notice of public hearing. Any lawyer or member of the public may express his or her views on the budget. Following the public hearing, the budget is returned to the board of directors for any final modifications, approval, and adoption.

During this budgetary process, the Court has constant, direct interaction with the State Bar leadership and staff. The chief justice appoints a member of the Court to serve as the Court's liaison to the Bar. The current liaison is Justice Craig Enoch. He attends all board of directors and executive committee meetings. Justice Enoch also actively participates in the budget committee meetings during the review of the budget. Additionally, other Supreme Court members meet periodically with members of the board of directors and, if events warrant, the chief justice can call meetings with the Bar leadership to discuss any issues affecting the Bar (including budgeting issues).

After the budget process has been completed by the State Bar board, the proposed budget is forwarded to the Supreme Court. The entire Court reviews the budget and also holds a public hearing. At that hearing, the Bar leadership presents the budget and answers the Court's questions. If necessary, the Court modifies the budget. However, because of the Court's ongoing oversight, the Court's concerns are usually reflected in the budget at this time.

This process has allowed the Bar to use its funds prudently and effectively. The last dues increase was in 1991. It was predicted at that time that another increase would be required in 1995. Since 1991, there has been no additional dues increase. In fact, the Bar continues to maintain a reasonable reserve. That reserve is being carefully managed so as to delay a dues increase for as long as possible.

One of the key reasons the Bar has been able to increase programs and services while avoiding a dues increase is because it effectively utilizes the talents of a large number of volunteers. The Bar uses volunteers not only in the grievance process and in-service programs such as the Texas Lawyers' Assistance Program (designed to help lawyers with substance abuse or mental health problems) and Texas Lawyers Care (which assists with pro bono efforts), but also in producing non-dues revenue through activities such as its award-winning continuing legal education programs. Volunteers also save the Bar money in administrative activities. The budget process alone consumes hundreds of hours of volunteer time. Several members of the audit and finance committee and the budget committee (both public and private members) bring to the budget process experience, expertise, and business acumen that would be difficult to duplicate at any cost. The Bar also has emphasized the need to contain costs and "do more with less."

The State Bar acknowledges that its funds serve a governmental purpose. Therefore, it is accountable to the public and the Legislature in several ways:

- C The financial transactions of the State Bar are subject to audit by the State Auditor (Government Code §81.023(a)).
- C The State Bar files a report on its revenues and expenditures for the preceding fiscal year with the Supreme Court, the governor, and the presiding officer of each house of the Legislature.
- C The State Bar's investment portfolio is subject to the Public Funds Investment Act (Government Code, Chapter 2256).
- C Members of the State Bar Board of Directors Audit and Finance Committee participate in the annual investment training required by Government Code §2256.007.

C. Possible Solutions and Impact

The State Bar, through its elected Board and under the supervision of the Supreme Court, should continue to manage and control its financial resources and expenditures.

The State Bar has an excellent record of managing its financial resources as demonstrated by its ability to increase services to lawyers and the public while avoiding a dues increase. Lawyers are more likely to continue donating their efforts, which both save administrative cost and produce non-dues revenue, if the profession continues to be self-regulated to the greatest extent possible.

The State Bar budget could also be supervised by some entity of the Texas Legislature.

While the State Bar budget process and timeline vary from those of the State of Texas, it is feasible that some entity of the Legislature might review or otherwise approve the proposed State Bar budget. For reasons stated above, it is not believed that this additional level of review is necessary.

The State Bar budget process could be self-contained, without oversight by the Supreme Court of Texas or the Texas Legislature.

Because the State Bar budget process is overseen by the Budget Committee of the Board of Directors, which has both attorney and public members, additional oversight may not be necessary. Also, for the reasons stated above, it is not believed that this would be a beneficial change. The current level of systematic oversight and review by the Texas Supreme Court and public members of the Board seems appropriate.

A. Brief Description of Issue

Issue # 5

How can the unauthorized practice of law statute better reflect the reality of a technologically-enhanced delivery system for legal services, while still protecting the public and assuring expanded access to justice?

B. Discussion

Pursuant to Texas Government Code §81.103, the Texas Supreme Court appoints the Unauthorized Practice of Law Committee (UPL Committee) to investigate and prosecute persons who practice law without a license. The UPL Committee consists of nine members appointed by the Supreme Court; at least three members are non-attorneys. The expenses of the committee are paid out of the budget of the State Bar, however, the State Bar has no oversight responsibilities or other authority over the UPL Committee.

There is a growing trend for non-lawyer entities to engage in activities included in the current statutory definition of practicing law. One such instance received the Legislature's attention in 1999 when the UPL Committee brought suit against Nolo Press for creating and selling legal forms and software over the internet. This case helped to highlight the vague and outdated language of the current UPL statute under which the UPL Committee must investigate and prosecute. House Bill 1507, 76th Legislature, addressed the Nolo Press case by amending Texas Government Code §81.101(c) to exempt from the definition of the unauthorized practice of law the "design, creation, publication, distribution, display, or sale, including those on a web site, of written materials, books, forms, computer software, or similar products if the products clearly and conspicuously state that the products are not a substitute for the advice of an attorney."

In part as a result of the Nolo Press case, the Supreme Court and the Bar became increasingly concerned with how to determine when certain practices become the unauthorized practice of law. It is clear that the public should have a right to obtain certain types of legal documents without first hiring legal counsel. In January 1999, the Texas Supreme Court requested that the State Bar of Texas form a task force to explore the issues related to the Unauthorized Practice of Law. Richard Pena, president of the State Bar in 1998-1999, appointed the UPL Task Force with the broad charge to study the impact on the future practice of law of (1) technology, (2) globalization of the economy, (3) rising consumer expectations, and (4) competition from other professions.

After in-depth study of the current UPL structure, the Task Force found that some of the major problems in the system are due to the current statutory definition of the practice of law, which is broad and outdated. It was also the overall consensus of the Task Force that the UPL Committee volunteers could never fully address the growing problem of UPL violations because of the enforcement costs involved. Based on these findings, the Task Force prepared its *Preliminary Report on the Statutory Definition of the Unauthorized Practice of Law*. A public hearing was held on August 2, 2000, which attracted approximately 75-100 lawyers and interested members of the public representing various backgrounds. From that hearing, the Task Force learned that opinions regarding UPL are just as diverse as the public itself and the practice of law. In the months following the hearing, the Task Force

worked with the State Bar Real Estate, Probate and Trust Law Section and the Family Law Section to address particular concerns.

The Task Force completed its *Final Report on the Proposed Statutory Definition of the Practice of Law* in April 2001. That report attempts to better define the practice of law and expand the ability of qualified, non-lawyer individuals to provide legal services through the use of “carved out” exceptions, but still to protect the public by subjecting the non-lawyers to the same standard of care as lawyers. For example, licensed real estate brokers may assist in completing forms regarding the purchase and sale of property, if such forms are reviewed by a lawyer. Also, there is a provision that would enable lawyers of 501(c)(3) organizations approved by the Texas Supreme Court (that provide civil legal services to the poor) to delegate to legal assistants specific uncontested family law matters. The key to the “carve out” exceptions is the existence of lawyer supervision, review, and care.

C. Possible Solutions and Impact

Enforce the current UPL statute with increased funding for the UPL Committee.

In order for the UPL Committee volunteers to pursue fully violators of the current statute, additional funding would be needed to support additional volunteers and to assist with additional investigations and prosecutions. These funds are not available within the current State Bar budget. Therefore, the State Bar would have to increase dues significantly to generate funding for a more active UPL Committee. Such a dues increase might or might not be approved by the Bar membership. In addition, while the public would be protected, the Bar would need to address the perception that lawyers were just protecting their own turf by enforcing such a broad definition of UPL. This solution also would not challenge the profession to address the changing legal landscape—as it should.

Implement the statutory changes recommended in the UPL Task Force final report.

The proposed changes could improve the efficiency of the legal process for the public and the profession. They would provide the UPL Committee with clearer guidelines for what actions constitute the unauthorized practice of law. By specifying and defining the practice of law in more detail, the Task Force attempts to provide a more certain and enforceable definition of the practice of law.

The Texas Attorney General’s Office could be asked to serve as a Special Counsel at the request of the UPL Committee and assist in the enforcement of the UPL Statute. This would address the Task Force’s concerns over current funding and volunteer limitations of the UPL Committee.

The changes could also extend current law to allow consumers to seek the recovery of damages if they file a suit against an individual engaged in the unauthorized practice of law. The applicability of the remedies in the Texas Deceptive Trade Practices Act to approved non-lawyer practitioners would also need to be addressed.

Under the Task Force’s recommended changes, the UPL Committee would investigate serious violations of the statute that endanger the public, rather than spend a majority of its time investigating non-lawyers who engage in routine legal matters that do not necessarily require the specialized

knowledge of a lawyer. Such a change in focus of the committee would, however, also require an increase in funding to investigate adequately the serious violators.

The Legislature could provide public funding for UPL prosecutions.

An additional option would be for the Texas Legislature to provide public funding for use in prosecutions under the UPL statute.

RELATED POLICY ISSUE

The ABA Commission on Multidisciplinary Practices (MDP) issued a report and held a hearing at the ABA Annual Meeting in August 1999 that sparked a nationwide and bar-wide debate on the commission's proposed changes to the ABA Model Rules of Professional Conduct, which would have allowed lawyers to practice with non-lawyer professionals. The proposal would have permitted lawyers to share fees and join with non-lawyers in the same practice. In such a practice, however, the lawyer would be required to retain the control and authority necessary to assure lawyer independence in rendering services, protecting the public, and preserving core professional values.

In practical terms, an MDP is a non-legal business that incorporates legal services into its practices. Multidisciplinary practices are owned wholly or in part by non-lawyers. A typical example of a multidisciplinary practice is an accounting firm that employs tax lawyers as part of its business staff. The same firm may also employ financial planners, consultants, stockbrokers, etc. All of the professions are joined together under one roof to provide professional services under the name of the accounting firm, and the fees received are split between the professions. In an MDP scenario, all professionals would be able to be partners or shareholders in the same firm.

State Bar of Texas leadership attended the MDP debates at the 1999 ABA Annual Meeting and at the ABA Mid-Year Meeting in February 2000. State Bar President Charles Aycock (1999-2000) returned to Texas with a sense of urgency for framing all the relevant issues on MDP. He directed the UPL Task Force to study the ABA report and make recommendations to the State Bar Board of Directors. The Task Force found that if MDPs were allowed under the rules, they would create challenges to the core values of the legal profession, generally considered to be (1) the attorney-client confidential relationship, (2) independence of professional judgment, and (3) loyalty to the client without conflict of interest. In the Task Force's opinion, the ABA Commission's report did not delve deeply enough into the ramifications of any change in the rules.

At its 2000 Annual Meeting in New York City, the ABA House of Delegates adopted a resolution on multidisciplinary practice sponsored by the New Jersey State Bar, New York State Bar, Illinois State Bar, Ohio State Bar, Erie County (Pennsylvania), and Cuyahoga County (Ohio) Bar associations, and The Florida Bar. The resolution maintained the ABA's position that lawyers not be permitted to share fees with nonlawyers, and that nonlawyers not be permitted to own or control entities that practice law. In effect, the resolution rejected the changes to the Model Rules proposed by the ABA Commission on Multidisciplinary Practice. As a result of this vote, the UPL Task Force concluded their discussions regarding MDP specifically and turned their focus to revising the UPL statute.

X. Comments

Please provide any additional information needed to gain a preliminary understanding of the agency.

The following web sites might provide additional insight into State Bar operations:

State Bar of Texas	www.texasbar.com
State Bar Professional Development	www.texasbarcle.com
Texas Young Lawyers Association	www.tyla.org
State Bar portal for attorneys	www.mytexasbar.com

ATTACHMENTS

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute. If the enabling statute is too burdensome to attach, explain and list the citation of the statute.
 - C State Bar Act, Chapter 81, Government Code
 - C 77th Texas Legislature bills which modify State Bar Act: HB 792, HB 1420, HB 1712

2. A **copy** of each annual report published by the agency from FY 1997 - 2001.
 - C The State Bar of Texas does not compile an annual report.

3. A **copy** of each internal or external newsletter published by the agency from FY 2000 - 2001.
 - C **Legal Front Newsletter**
(January 2000 through June 2001)
Service of Texas Lawyers Care

 - C **Alert**
(July 1999)
Service of Texas Lawyers Care

 - C **Pro Bono Beat**
(Summer 1999, Fall 1999)
Service of Texas Lawyers Care

 - C **Texas Spectrum Newsletter**
(Spring 1999, Winter 2000, Summer 2000, Winter 2001)
Service of the Office of Minority Affairs

 - C **State Bar Update**
(January 1999, March 1999, April 1999, July 1999, October 1999, December 1999,
May 2000, July 2000, September 2000, February 2001, May 2001, July 2001)
Service of the Texas Bar Journal

 - C **Foundation Progress**
(Winter 1998, Summer 1998, Winter 1999, Summer 1999, Winter 2000, Summer 2000,
Spring 2001)
Service of the Texas Bar Foundation

- C **The Practice Manager Newsletter**
(August 2000, November 2000, February 2001, June 2001)
Service by Law Office Management
- C **NEWSLETTER- Law Focused Education**
(January 1999, November 1999, November 2000)
Service of the Office of Law Focused Education
- C **Roll Call**
(March/April 2000, November 2000, May 2001)
Service of the Law Student Division Board
- C **Local Bar Leader**
(February 2000, June 2000, September 2000, February 2001)
Service of Local Bar Services Committee
- C **Executive Reporter**
(January 1999, April 1999, June 1999, September 1999, January 2000, April 2000,
June 2000, September 2000, January 2001, April 2001, June 2001)
Service of the Board of Directors
- C **The College Bulletin**
(Fall 1998, Summer 1999, Winter 2000, Summer 2000, Spring 2001)
Service of the State Bar College

Note: The following newsletters are a service of State Bar Sections.

- C **Administrative & Public Law Newsletter**
(Spring 2000)
Service of the Administrative & Public Law Section
- C **Animal Law Reporter**
(Spring 2000, Fall 2000, Spring 2001)
Service of the Animal Law Section
- C **Texas Business Litigation**
(Spring 2000, Fall 2000, Winter 2001)
Service of the Antitrust & Business Litigation Section
- C **The Appellate Advocate**
(Spring 2000, Summer 2000, Winter 2000, Fall 2000, Spring 2001)
Service of the Appellate Section
- C **The Asian Interest Section Newsletter & Update**
(June 12, 2000)
Service of the Asian Pacific Interest Section

- C **Texas Journal of Business Law**
(Fall 2000, Winter 2000)
Service of the Business Law Section
- C **Construction Law Newsletter**
(February 2000, April 2000, July 2000, Winter 2000)
Service of the Construction Law Section
- C **Journal of Texas Consumer Law**
(Spring 2000, Summer 2000, Fall 2000, Winter 2000, Spring 2001)
Service of the Consumer Law Section
- C **Corporate Counsel Review**
(February 2000, May 2000, November 2000)
Service of Corporate Counsel Section
- C **Criminal Justice Section Journal**
(February 2000, Fall 2000)
Service of the Criminal Justice Section
- C **Texas Entertainment Sports Law Journal**
(Spring 2000, Summer 2000, Fall 2000, Spring 2001, Summer 2001)
Service of the Entertainment and Sports Law Section
- C **Environmental Law Journal**
(1999-2000, Vol. 30, Nos. 1-4; Fall 2000, Winter 2001)
Service of the Environmental Law Section
- C **State Bar Section Report - Family Law**
(Vol. 2000-1 Winter, Vol. 2000-2 Spring, Vol. 2000-3 Summer, Vol. 2000-4 Fall, Vol. 2000-5: Annual Bibliography Issue, Volume 2001-1 Spring)
Service of the Family Law Section
- C **Council of the General Practice, Solo, and Small Firm Section Chairman's Letter**
(Winter 1999-2000, Spring 2000, Fall 2000, Winter 2000-2001)
Service of the Council of the General Practice, Solo, and Small Firm Section
- C **Journal of Texas Insurance Law**
(Winter 2000, Spring 2000, September/October 2000)
Service of the Insurance Law Section
- C **Texas Intellectual Property Law Journal**
(1999-2000, Winter 2000, Spring 2000)
Service of the Intellectual Property Law Section

- C **Texas Transnational Law Quarterly**
(October 2000, April 2001)
Service of the International Law Section

 - C **State Bar Section Report Juvenile Law**
(March 2000, June 2000, September 2000, December 2000, March 2001, June 2001)
Section of the Juvenile Section

 - C **Real Estate Probate & Trust Law Reporter**
(January 2000, April 2000, July 2000, October 2000, January 2001, April 2001)
Service of the Real Estate, Probate, and Trust Law Section

 - C **Labor and Employment Law Section Report**
(Vol. 12, No. 6, 2000; Vol. 13, No. 1, 2000; Vol 13, No. 2, 2000; Vol. 13, No. 3, 2000;
Vol. 13, No. 4, 2000; Vol. 13, No. 5, 2000; Vol. 13, No. 6, 2000; Vol. 14, No. 1, 2001;
Vol. 14, No. 2, 2001)
Service of the Labor and Employment Law Section

 - C **State Bar Litigation Section Report**
(Fall 1999, Spring 2000, Summer 2000, Fall 2000, Winter 2000)
Service of the Litigation Section

 - C **Municipal Judges Section Report**
(January 2001, May 2001)
Service of the Municipal Judges Section

 - C **Oil, Gas and Mineral Law Section Report**
(March 2000, June 2000, September 2000, December 2000, March 2001, June 2001)
Service of the Oil, Gas and Mineral Law Section

 - C **School Law Section Report**
(June 2000, July 2000, December 2000, Spring 2001)
Service of the School Law Section

 - C **The Texas Tax Lawyer**
(February 2000, May 2000, October 2000, February 2001, May 2001)
Service of the Taxation Law Section

 - C **The Women's Advocate**
(Winter/Spring 2000, Spring/Summer 2000, Fall 2000, Winter 2001)
Service of the Women and the Law Section
4. A **list** of publications and brochures describing the agency.
- C Attorney Complaint Information brochure

- C The Client Security Fund brochure
 - C Lawyer Referral Information Service brochure
 - C The Texas Lawyer Creed brochure
 - C Annual Meeting of the Fellows of the Texas Bar Foundation program (June 21, 2000)
 - C Texas Minority Counsel Program Annual Conference brochure (San Antonio, TX - September 20-21, 2001)
 - C Client-Attorney Assistance Program brochure
 - C Texas Equal Access to Justice Foundation brochure
 - C Manual for Attorneys in Child Abuse and Neglect Litigation, Third Edition
 - C Legal Services in Texas- A Referral Directory for Low Income Texans
 - C Guide to State Bar Public Service Pamphlets & Videotapes
5. A **list** of studies that the agency is required to do by legislation or riders adopted in the 77th Legislative Session.
- C HB 792 requires a study of the State Bar rules governing attorney disciplinary and disability procedure and the Texas Rules of Disciplinary Procedure.

Attachments Relating to Policymaking Structure

6. Biographical information (e.g. education, employment, affiliations, honors) or resumes of all policymaking body members.
- C State Bar Pictorial Directory of Officers and Directors
7. A **copy** of the agency's most recent rules, or an explanation that the rules are too burdensome to attach.
- C The State Bar does not promulgate rules for inclusion in the Texas Administrative Code. However, attached are copies of: the State Bar Rules, the State Bar Board Policy Manual, and the Texas Disciplinary Rules of Professional Conduct & Texas Rules of Disciplinary Procedure.

Attachments Relating to Funding

8. A **copy** of the agency's Legislative Appropriations Request for FY 2002-2003.
 - C The State Bar does not receive legislative appropriations.
9. A **copy** of each annual financial report from FY 1998 - 2000.
 - C State Bar of Texas Annual Financial Report, FY 1998
 - C State Bar of Texas Annual Financial Report, FY 1999
 - C State Bar of Texas Annual Financial Report, FY 2000
10. A **copy** of each operating budget from FY 1999 - 2000.
 - C State Bar of Texas 1998-1999 Budget
 - C State Bar of Texas 1999-2000 Budget

Attachments Relating to Organization

11. An organizational chart of the agency that includes major divisions and programs, and that shows the number of FTEs in each division or program.
 - C State Bar Organizational Chart with Full-Time Employee Count
12. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.
 - C State Bar Regional Map of Grievance Committee Districts

Attachments Relating to Agency Performance Evaluation

13. A **copy** of each quarterly performance report completed by the agency in FY 1999 - 2001.
 - C The State Bar does not compile quarterly performance reports.
14. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.
 - C "State Bar of Texas, Membership Department: Review of Operations and Services." (July 9, 1999) Prepared by outside consultants Dr. Reuben R. McDaniel, Jr. and Larry Seligman.

15. A **copy** of the agency's current internal audit plan.
 - C State Bar of Texas Internal Audit Plan, Fiscal Years 2001-2004 (KPMG Peat Marwick, LLP)

16. A **list** of internal audit reports from FY 1997 - 2001 completed by or in progress at the agency.
 - C State Bar of Texas Internal Audit Annual Report for FY 1997 (KPMG Peat Marwick, LLP)
 - C State Bar of Texas Internal Audit Annual Report for FY 1998 (KPMG Peat Marwick, LLP)
 - C State Bar of Texas Internal Audit Annual Report for FY 1999 (KPMG Peat Marwick, LLP)
 - C State Bar of Texas Internal Audit Annual Report for FY 2000 (KPMG Peat Marwick, LLP)
 - C State Bar of Texas Internal Audit Annual Report for FY 2001 in progress (KPMG Peat Marwick, LLP)

17. A **list** of State Auditor reports from FY 1997 - 2001 that relate to the agency or any of its functions.
 - C No State Auditor Reports relating to the State Bar or any of its functions were completed in Fiscal Years 1997-2001.

18. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim.
 - C HB 792 requires a study of the State Bar rules governing attorney disciplinary and disability procedure and the Texas Rules of Disciplinary Procedure.

19. A **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.
 - C American Bar Association Commission on Multi-Disciplinary Practice (MDP) Report (August 1999)