



STATE BAR *of* TEXAS
COMMISSION FOR LAWYER DISCIPLINE
— ANNUAL REPORT —

June 1, 2023 – May 31, 2024

The Lawyer's Oath

“I do solemnly swear that I will support
the Constitutions of the United States,
and of this State; that I will honestly demean myself
in the practice of law; that I will discharge my duties
to my clients to the best of my ability;
and, that I will conduct myself with integrity
and civility in dealing and communicating
with the court and all parties.
So help me God.”

FROM THE CHAIR OF THE COMMISSION FOR LAWYER DISCIPLINE

August 31, 2024

As chair of the Commission for Lawyer Discipline, I am pleased to present our 2023-2024 Annual Report, covering the period of June 1, 2023, through May 31, 2024. This report showcases the important work of the Office of Chief Disciplinary Counsel, the Commission for Lawyer Discipline, and the many volunteers who serve on grievance committees across the state.



Some of the highlights from the past year include:

- The commission successfully resolved 353 complaints through the imposition of 314 sanctions and collected \$288,906 in attorneys' fees;
- The commission continued its efforts to combat professional misconduct in the area of immigration. The Office of Chief Disciplinary Counsel (CDC) obtained 13 immigration-related sanctions, consisting of one resignation in lieu of discipline, two suspensions, two public reprimands, three private reprimands, and five referrals to the Grievance Referral Program.
- This past year, 13 barratry-related grievances were filed. One of those resulted in a private reprimand, one is still pending, and the remainder were dismissed at various points in the process.
- CDC assisted the Client Security Fund Subcommittee in approving 121 applications and \$889,140 in grants;
- CDC held 403 investigatory hearings;
- CDC implemented a new case management system.

It continues to be a great honor to serve with the other volunteers on the commission and to work with the Office of Chief Disciplinary Counsel toward the goal of improving the Texas attorney grievance system so that it remains a fair, effective, and efficient process of self-regulation of the legal profession, while ensuring the public will be protected from the unethical conduct of Texas lawyers.

A handwritten signature in black ink that reads "Monica A. Gonzalez". The signature is written in a cursive, flowing style.

Judge Monica Gonzalez
Chair of the Commission for Lawyer Discipline

COMMISSION FOR LAWYER DISCIPLINE

The Commission for Lawyer Discipline is a standing committee of the State Bar of Texas and serves as the client in the Texas attorney discipline system. The commission provides oversight to the Office of Chief Disciplinary Counsel, which administers the attorney discipline system. Professional responsibility and public protection are priorities of the State Bar of Texas. Oversight, funding, and support of the disciplinary system are in the best interest of all Texas attorneys as they provide ethical representation to their clients. The commission is composed of 12 members: six attorneys appointed by the president of the State Bar and six public members appointed by the Supreme Court of Texas.

ATTORNEY MEMBERS



Judge Monica A. Gonzalez, chair, is a retired county court at law judge who presided over family violence cases and was a municipal court judge for 12 years. She previously served as a prosecutor for the Bexar County Criminal District Attorney's Office. She also practiced law in the private sector and served on the State Commission on Judicial Conduct and on the District 10A Grievance Committee. She served on the Supreme Court of Texas Committee on the Revision of the Texas Code of Judicial Conduct, the Texas Judicial Council Committee, the Bexar County Bail Bond Board, and the Mayor's Commission on the Status of Women — San Antonio.



Michael S. Truesdale, vice chair, is an appellate lawyer with experience in prosecuting and defending appeals. In trial courts, he focuses on error identification and briefing/arguing issues with appellate implications. He has worked on cases before the Supreme Court of Texas and appeals in nearly all Texas intermediate appellate courts. Truesdale has led appeals in other states' courts and in the 5th, 6th, and 7th U.S. Circuit Courts of Appeals and has authored briefs before the U.S. Supreme Court. He also advocates for the developmental expansion of appellate pro bono programs across the nation.



Genora Kendrick Boykins is a part-time in-house community and sponsorship counsel for NRG Energy, Inc., and formerly served as regional assistant general counsel of NRG Energy, Inc., and Reliant Energy. Genora is active in leadership roles in the community. She is the chair of the board of directors of South Texas College of Law Houston, and the first woman and person of color elected to this position. She is also chair-elect of the board of trustees of the Woman's Hospital of Texas and will be the first non-physician chair of the board of trustees.



Lee D. Cox has been in private practice focusing on criminal defense in Fort Bend and surrounding counties since 2002. He was appointed as a special prosecutor in Harris and Brazoria counties to handle cases in which the district attorney offices had a conflict. He is a member of the Fort Bend County Bar Association, the Fort Bend County Criminal Defense Attorneys Association, the Texas Criminal Defense Lawyers Association, the National Association of Criminal Defense Lawyers, the Texas Bar College, and the National College for DUI Defense.



Sally Lynn Pretorius is a shareholder in KoonsFuller and a past president of the Texas Young Lawyers Association. She is certified in family law by the Texas Board of Legal Specialization. Pretorius worked on TYLA projects including Compassion Fatigue Awareness and Strength in Unity, which received the Outstanding Public Service Project Award from the American Bar Endowment.

Roberto “Bobby” Ramirez practices law in McAllen as a member of the Ramirez Law Firm. He is certified in personal injury trial law by the Texas Board of Legal Specialization, and he previously served as chair for the District 12 Grievance Committee and as a member of the Texas Board of Legal Specialization.



PUBLIC MEMBERS

Michael Barton is the founder of a Texas-based consulting firm, an arbiter for the Financial Industry Regulatory Authority, and an adjunct professor at the University of St. Thomas. In addition, he has extensive local law enforcement and federal government experience, including in staff roles at the Pentagon, at the White House, and in the U.S. Senate. Barton is a Big Brothers/Big Sisters of Texas member, a board member of the Texas Lyceum, and an Air Force Reserve veteran.



Benjamin Broughton is a home builder and land developer in Austin. He is a graduate of the University of Texas at Austin and holds an M.S. from Texas State University. Broughton has served on various nonprofit boards and is active in his church. In his spare time, he enjoys teaching the next generation trade skills, particularly welding and car restoration.



Valery Frank of San Angelo was appointed to the commission in 2018. Frank is a registered nurse and worked in critical care before retiring. A longtime advocate of health care, children’s issues, education, and the arts, she has served on numerous boards, leading nonprofits and raising money for worthy causes. Prior to her appointment to the commission, she served on the District 15 Grievance Committee for eight years.



Omar Peña is a managing director at Accenture in the Public Service group. He previously served as president of the Pflugerville Community Development Corporation Board, a member of the Pflugerville City Council, and as the Pflugerville City Council’s mayor pro tem.



Nikki Pressley is a native Texan, currently based in Austin. She graduated from the University of North Texas with a B.S. in human development and family science and an M.S. in educational psychology, with a concentration in family policy and program administration. She now serves as chief of staff to the Right On Crime campaign at the Texas Public Policy Foundation.



James P. Quintero is a researcher, writer, and advocate at the Texas Public Policy Foundation. He has served at the foundation since 2008. He is currently seeking a Ph.D. in public policy from Liberty University.



Attorney Ethics Helpline — 800-532-3947

The Attorney Ethics Helpline returned approximately 4,600 phone calls from Texas attorneys seeking advice regarding conflicts, confidentiality, safekeeping property, termination of representation, candor to the tribunal and fairness in adjudicatory proceedings, communicating with represented persons, fee-splitting or engaging in business with non-lawyers, advertising and solicitation, and the duty to report misconduct.

PROTECTING THE PUBLIC 2023-2024 SNAPSHOT

Total Disciplinary Sanctions: 314

***Total Complaints Resolved: 353**

Disbarments: 18

Private Reprimands: 91

Public Reprimands: 40

Suspensions: 74

Resignations in Lieu of Discipline: 12

Grievance Referral Program: 79

- \$288,906 in attorneys' fees were collected from respondent attorneys as part of a sanction
- \$889,140 in grants were approved for victims of attorney misconduct by the State Bar of Texas Client Security Fund, with 121 applications approved by the subcommittee
- Approximately 4,600 phone calls were returned by the State Bar of Texas Attorney Ethics Helpline

* Each sanction entered may have involved complaints filed by more than one complainant.

GENDER AND RACE 2023-2024 SNAPSHOT

Total Disciplinary Sanctions: 314

GENDER:

Male Respondents: 74%

Female Respondents: 26%

RACE:

Black/African American: 16%

Asian: 3%

Hispanic/Latino: 19%

White/Caucasian: 53%

Other/Not Specified: 9%

The information regarding race and gender is based on information voluntarily provided by bar membership in the attorney profiles maintained by the State Bar of Texas and is therefore not a complete picture of gender and racial statistical information.

“I learned a lot from these exercises. I think doing them was beneficial to my practice and none of it felt like busy work. I appreciate the care that you took in tailoring this to my needs and weaknesses ... Thank you again ...” – GRP Participant

Recognizing Volunteers

Currently, approximately 380 Texans serve on local grievance committees.

Two-thirds are attorneys. One-third are public members. Collectively, they volunteer thousands of hours each year to protect the public.

SPOTLIGHT ON THE GRIEVANCE REFERRAL PROGRAM

The Grievance Referral Program (GRP) was implemented in 2007 to help identify and assist lawyers who have impairment or performance issues and who enter the disciplinary system as a result of minor misconduct. GRP allows the Commission for Lawyer Discipline to refer to the program lawyers who have engaged in minor misconduct and who otherwise meet the GRP eligibility criteria. In exchange for a dismissal of the underlying complaint by the commission, the respondent lawyer agrees to complete a remedial or rehabilitative program individually tailored to the respondent lawyer’s needs. If the lawyer does not fully complete the terms of the agreement in a timely manner, the underlying complaint moves forward through the usual disciplinary process.

GRP presents an opportunity for respondent lawyers to address the issues that contributed to the misconduct, including issues of law practice management, poor communication skills, substance use, and mental health. In this way, the public is better protected from future misconduct by the lawyer. Respondent lawyers benefit from participation both on a personal and professional level and receive the support necessary to address the issues that are negatively impacting their ability to practice law.

A typical program designed for a respondent attorney might include provisions like: (1) contacting the Texas Lawyers’ Assistance Program; (2) scheduling and submitting to a substance use assessment; (3) obtaining mental health treatment; (4) studying literature pertaining to that attorney’s specific issues; (5) attending recovery meetings; (6) taking CLE; (7) obtaining training for staff; (8) consulting with a law practice management professional; (9) creating a business plan; and (10) entering into a mentorship program.

BAR YEAR	GRP REFERRALS SUCCESSFULLY RESOLVED
2023-2024	79
2022-2023	58
2021-2022	99
2020-2021	80
2019-2020	86
2018-2019	75
2017-2018	77
2016-2017	49
2015-2016	47
2014-2015	63
2013-2014	58

“I am thankful that this situation was referred to the GRP... I no longer feel hopelessly depressed or overwhelmed. For the first time in years, I can say that I am happy.” – GRP Participant

OFFICE OF CHIEF DISCIPLINARY COUNSEL

The Texas attorney discipline system is administered by the Office of Chief Disciplinary Counsel, whose work is overseen by the Commission for Lawyer Discipline. CDC represents the commission in disciplinary litigation. Professionalism is directly tied to the public's perception of the ability of the State Bar of Texas to discipline its own lawyers and protect the public from unethical practitioners.

In addition to its headquarters in Austin, CDC has regional offices in San Antonio, Dallas, and Houston. Each regional office is responsible for the investigation and prosecution of disciplinary matters within its region and is managed by a regional counsel.

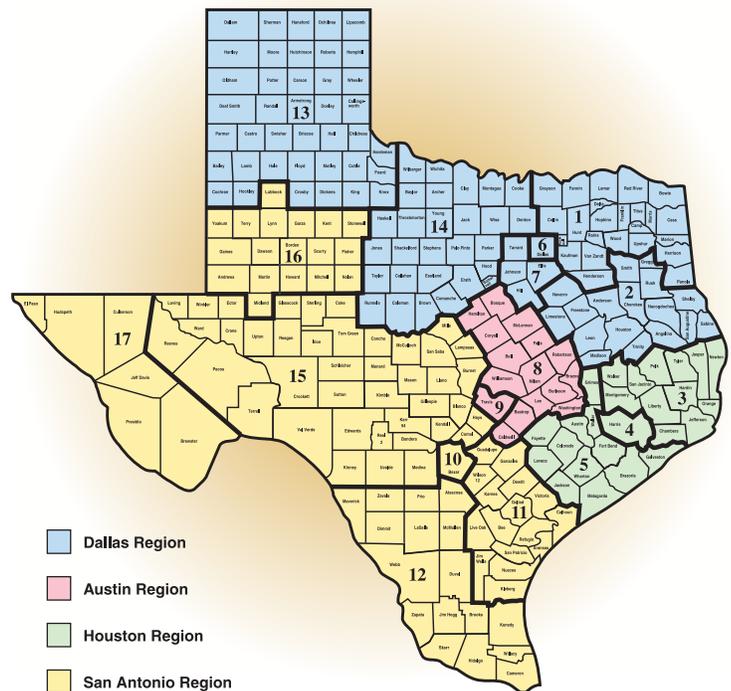
ATTORNEY ETHICS HELPLINE

CDC maintains, as a service to the members of the bar, a toll-free Attorney Ethics Helpline, operated from 8 a.m. to 5 p.m. Monday through Friday.

The helpline is designed to assist Texas attorneys who have questions about their ethical obligations to clients, courts, and the public under the Texas Disciplinary Rules of Professional Conduct. The service is intended to give attorneys access to rules, ethics opinions, and caselaw so that an attorney can make an informed decision about an ethics issue.

The information provided is informal and not binding on any district grievance committee or court. The Attorney Ethics Helpline does not provide legal assistance to the general public and cannot address questions concerning pending grievances.

During the 2023-2024 bar year, ethics attorneys returned approximately 4,600 calls to the Attorney Ethics Helpline, 93% of which were returned within 24 hours. These calls ranged from simple inquiries to complex ethical questions that involved hours of research and discussion.



Chief Disciplinary Counsel
Seana Willing and
outgoing commission
member J.D. Villa.





Outgoing commission member Sheri Roach Brosier and Chief Disciplinary Counsel Seana Willing.



Chief Disciplinary Counsel Seana Willing and outgoing commission Vice Chair Magali Suarez Candler.

THE ATTORNEY ETHICS HELPLINE NUMBER IS 800-532-3947.

STATEWIDE COMPLIANCE MONITOR AND GRIEVANCE REFERRAL PROGRAM

Disciplinary judgments often require that respondents refund all or part of the attorneys' fees paid to them by clients harmed by misconduct and pay for the attorneys' fees and costs incurred in prosecuting the disciplinary action. Terms of license suspension may also contain requirements directed toward changing lawyer behavior, for example, completing additional continuing legal education in the area of law practice management, assigning of a law practice monitor, auditing of the lawyer's trust account, or participating in treatment programs for mental health or substance use disorders. This results in frequent referrals to programs such as continuing legal education and the Texas Lawyers' Assistance Program.

At the close of the 2023-2024 bar year, the compliance program had 425 active cases and had resolved 349 cases. The compliance monitor collected \$286,164 in restitution in cases involving agreed judgments, non-agreed judgments, respondent defaults, and cases in which respondents were seeking reinstatement. The centralized compliance process contributed to \$288,906 in attorneys' fees collections.

**MEDIA INQUIRIES REGARDING
THE DISCIPLINARY SYSTEM
SHOULD BE DIRECTED TO:**

**Claire Reynolds
Public Affairs Counsel
Office of Chief Disciplinary Counsel
512-427-1354
creynolds@texasbar.com**

CLIENT SECURITY FUND

As part of the State Bar’s public protection mission, the Client Security Fund is available to eligible clients from whom their attorney stole money or failed to return an unearned fee.

Applications to the fund are reviewed and acted upon by the Client Security Fund Subcommittee, a standing subcommittee of the State Bar Board of Directors. CDC, through its public affairs counsel, serves as the administrator and legal counsel to the fund. In the 2023-2024 bar year, the administrator presented 205 applications to the subcommittee. Of the 205 considered, 121 were approved, resulting in grants totaling \$889,140.

Time Period	Applications Presented	Applications Approved	Total Grants Approved
2023-2024	205	121	\$889,140.00
2022-2023	234	137	\$892,449.72
2021-2022	122	61	\$147,385.14
2020-2021	135	79	\$483,699.91
2019-2020	230	149	\$871,782.89
2018-2019	178	115	\$664,143.78
2017-2018	222	148	\$901,718.68
2016-2017	157	113	\$976,114.94
2015-2016	171	115	\$814,616.72
2014-2015	138	102	\$639,581.09
2013-2014	134	118	\$1,232,355.00

BARRATRY

In 2023, the Texas Legislature amended Texas Government Code § 81.073 limiting who may file a complaint to six narrow categories, including individuals with a “cognizable individual interest” in the legal matter alleged in the grievance.¹ As a result, those individuals who traditionally file grievances alleging barratry may no longer fall within the permitted categories of filers. Nevertheless, the CDC continues to partner with State Bar leadership, local bar associations, prosecutors, and members of law enforcement to combat and educate the public and the profession about the problem of barratry and improper solicitation. This past year, 13 barratry-related grievances were filed. One of those resulted in a private reprimand, one is still pending, and the remainder were dismissed at various points in the process. Two consistent difficulties faced by CDC in investigating barratry-related grievances are the need to rely on co-conspirator testimony and the fact that monies paid for the soliciting of clients are often made in cash and cannot be tracked. However, CDC coordination and cooperation with criminal barratry prosecutions has proven fruitful in those rare instances where the crime has been prosecuted. Likewise, the grievance process remains available to members of the profession who are pursuing civil remedies for improper solicitation under Chapter 82 of the Government Code.

¹ House Bill 5010 became effective September 1, 2023, and is codified at Texas Government Code Section 81.073 (“§ 81.073”). Texas Rule of Disciplinary Procedure 1.06(G)(2) was amended to implement this legislation.

DISTRICT GRIEVANCE COMMITTEES

Currently, approximately 380 volunteer grievance committee members serve on 17 committees throughout the state. Members are nominated by State Bar directors and appointed by the State Bar president.

The district grievance committees are composed of two-thirds attorney members and one-third public members, serve three-year staggered terms, and are eligible to serve two consecutive terms.

ROLE OF GRIEVANCE COMMITTEES

The district grievance committees perform two critical roles in the discipline system: (1) review complaints presented by CDC and determine whether the case should be dismissed, resolved with an agreed sanction, or proceed to litigation; and (2) sit as a tribunal in the litigation stage to determine whether professional misconduct was committed and assess an appropriate sanction.

TRAINING

Grievance committee members are provided an annual comprehensive training on the structure of the Texas attorney discipline system, the committees’ role in the grievance process, and the substantive and procedural rules.

DIVERSITY OF GRIEVANCE COMMITTEE MEMBERS

Acknowledging the importance to the public and the attorneys of Texas for the members of the district grievance committees to fairly represent the racial, ethnic, and gender makeup of the districts they serve, the State Bar directors work with CDC to make appointments that maintain this diversity in membership, including the goal that attorney members reflect various practice areas and law firm sizes.

**2023-2024 DIVERSITY SURVEY OF GRIEVANCE COMMITTEE MEMBERSHIP
COMPARED WITH STATE BAR MEMBERSHIP**

Gender	Committee	Attorney Committee Membership	SBOT Membership
Male	58%	52%	61%
Female	41%	48%	39%
Not Specified	1%	–	–

Ethnicity	Committee	Attorney Committee Membership	SBOT Membership
White	64%	67%	76%
Asian/Pacific Islander	3%	4%	4%
Black/African American	6%	10%	6%
American Indian/Alaska Native	1%	1%	<1%
Hispanic/Latino	11%	16%	11%
Other	15%	3%	2%

OVERVIEW OF THE ATTORNEY DISCIPLINE PROCESS

The Texas attorney discipline system is governed by the Texas Disciplinary Rules of Professional Conduct (ethics rules) and the Texas Rules of Disciplinary Procedure (procedural rules). The ethics rules define proper conduct for purposes of professional discipline. The procedural rules provide the mechanism by which grievances are processed, investigated, and prosecuted.

The Texas Rules of Disciplinary Procedure and Texas Disciplinary Rules of Professional Conduct are available at [texasbar.com/ethics](https://www.texasbar.com/ethics).

GRIEVANCE PROCEDURE

CLASSIFICATION

The filing of a written grievance initiates the disciplinary process. Attorneys are subject to discipline only if they have violated the ethics rules (Texas Disciplinary Rules of Professional Conduct). Upon receipt of the grievance, CDC determines whether the grievance alleges professional misconduct and whether the filer falls within one of six limited categories of individuals permitted to file a complaint.² This determination is referred to as classification of the grievance and is made within 30 days of the filing of the grievance. During the 2023-2024 bar year, 7,985 grievances were filed. Not every grievance filed during the bar year is classified during that same bar year, but of the grievances considered during the 2023-2024 bar year, 5,326 were dismissed as inquiries and 2,659 were classified as complaints.

WHY ARE GRIEVANCES DISMISSED?

Grievances are dismissed for various reasons, including the following:

- The grievance is filed by an individual not identified under Rule 1.06(G)(2), Texas Rules of Disciplinary Procedure.
- The grievance concerns the outcome of a case but does not specify a violation of an ethics rule.
- The grievance does not involve an attorney's conduct in his or her professional capacity.
- The grievance is filed too late.
- The grievance is duplicative or identical to a previous filing.
- The grievance concerns an attorney who has been disbarred, has resigned, or is deceased.
- The grievance concerns a person who is not licensed as an attorney (handled by the Unauthorized Practice of Law Committee).
- The grievance is filed against a sitting judge (handled by the State Commission on Judicial Conduct).

CHECK IN THE SYSTEM — AN APPEALS PROCESS

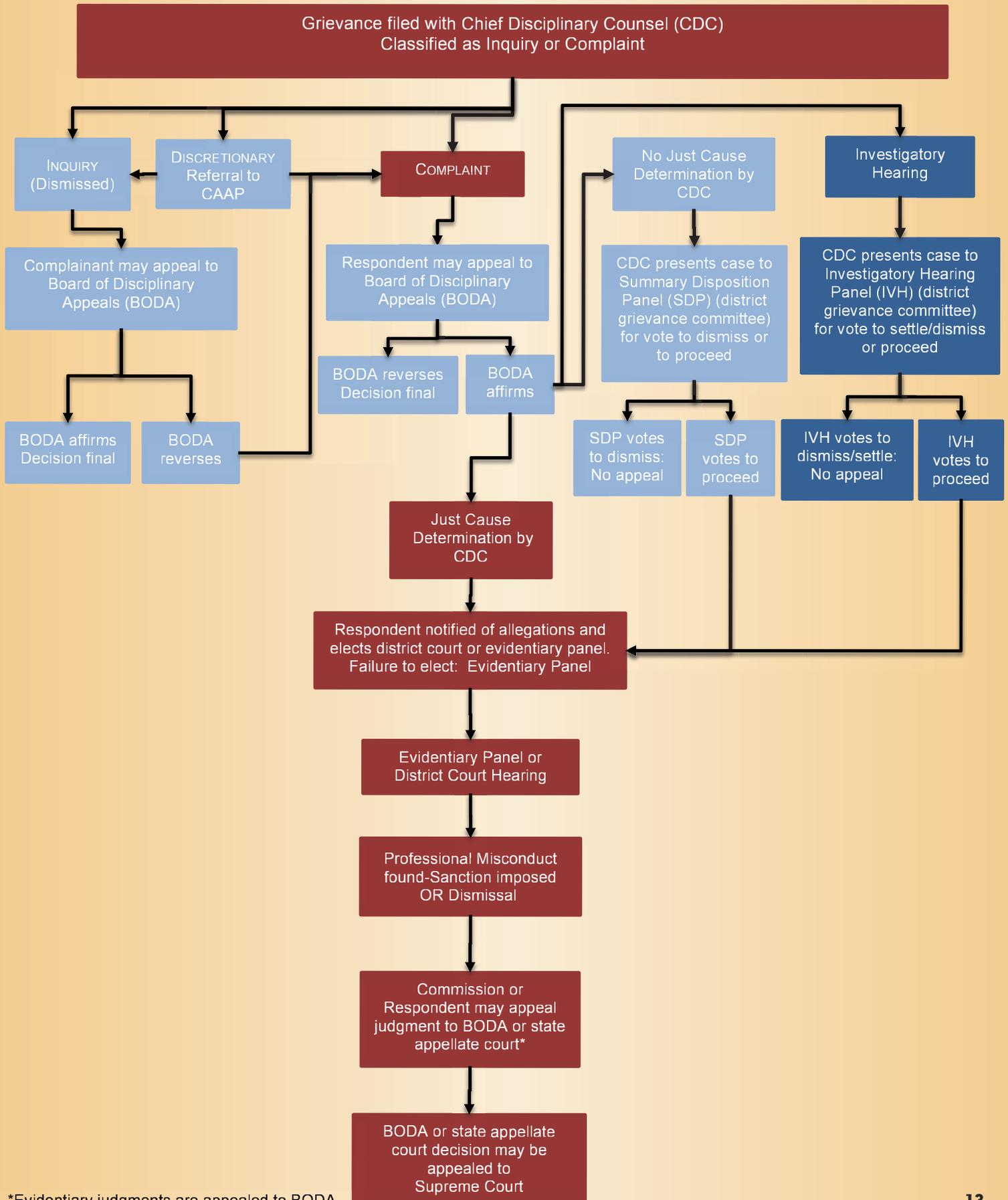
The person who filed the grievance has the right to appeal CDC's classification decision to dismiss the grievance as an inquiry to the Board of Disciplinary Appeals. BODA is an independent 12-attorney tribunal, appointed by the Supreme Court of Texas. Starting on September 1, 2023, a respondent may appeal the CDC's decision to classify a grievance as a complaint to BODA.³

During the 2023-2024 bar year, there were 1,152 appeals filed by complainants and respondents from classification decisions. Of those appeals, BODA reversed 146 classification decisions, resulting in an overall reversal rate of 12.7%.

² See Texas Government Code § 81.073 as amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 1020, Sec. 1, eff. 9/1/2023 and Texas Rule of Disciplinary Procedure Rule 1.06(G)(2).

³ See Texas Government Code § 81.073 as amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 1020, Sec. 1, eff. 9/1/2023 and Texas Rule of Disciplinary Procedure Rule 2.10(B).

— PROCESSING A GRIEVANCE —



*Evidentiary judgments are appealed to BODA
District Court judgments are appealed to state

INVESTIGATION AND DETERMINATION OF JUST CAUSE

Once the grievance is classified as a complaint, it is sent to the respondent attorney, who has 30 days from receipt to respond or file an appeal with BODA. Within 60 days of the response deadline, CDC, through its investigation, must determine whether there is just cause to believe that professional misconduct occurred. If CDC decides to proceed with an investigatory subpoena or investigatory hearing, that deadline is extended to 60 days after completion of the hearing or the date of compliance in the subpoena.

SUMMARY DISPOSITION PANELS (SDP):

If CDC determines that there is no just cause to proceed on the complaint, the case is presented as an SDP to a panel of local grievance committee members composed of two-thirds attorneys and one-third public members. Information and results regarding CDC's investigation are presented to the panel at a docket hearing without the presence of either the complainant or respondent. If the panel accepts CDC's determination, the complaint will be dismissed. If the panel rejects CDC's determination, the panel votes to proceed on the complaint. During the 2023-2024 bar year, 1,715 cases were presented for consideration as an SDP by local grievance committees. The panels voted to dismiss 1,701 of those cases.

INVESTIGATORY HEARINGS (IVH)

During an investigation, the CDC may set a complaint for a non-adversarial investigatory hearing before a local grievance committee panel. During such hearing, the panel may hear testimony from the complainant, respondent, and witnesses. Based on the IVH panel's recommendations, the complaint may be dismissed or, if the panel finds just cause, the respondent may enter into an agreed judgment or proceed to litigation. In the 2023-2024 bar year, 403 cases were resolved after an IVH, with 196 cases ending with an agreed sanction.

TRIAL OF THE COMPLAINT

If CDC finds just cause or the summary disposition panel votes to proceed on the complaint, the respondent attorney is given written notice of the allegations and rule violations. The respondent has 20 days to notify CDC whether he or she chooses to have the case heard before an evidentiary panel of the grievance committee or by a district court, with or without a jury. This choice is referred to as the respondent's election. A respondent who fails to elect will have the case tried before an evidentiary panel of the grievance committee.

2023-2024 BAR YEAR		2022-2023 BAR YEAR	
Elected Evidentiary	103	Elected Evidentiary	43
Defaulted into Evidentiary	190	Defaulted into Evidentiary	116
Elected District Court	42	Elected District Court	19

Evidentiary panel hearings are confidential. District court proceedings are public. In both types of proceedings, the parties are the Commission for Lawyer Discipline, represented by CDC, and the respondent attorney.

If no professional misconduct is found, the case is dismissed. If professional misconduct is found, a separate hearing may be held to determine the appropriate discipline.

During the 2023-2024 bar year, CDC resolved 353 complaints before grievance committee panels, district courts, and the Board of Disciplinary Appeals and disposed of more than 1,700 cases before summary disposition panels of the local grievance committees.

GRIEVANCE REFERRAL PROGRAM

The Grievance Referral Program was designed to help identify and assist lawyers who have impairment or performance issues and who enter the disciplinary system as a result of minor misconduct. In exchange for a dismissal of the underlying complaint by the commission, the respondent lawyer agrees to complete a program individually tailored to the respondent lawyer’s needs. If the lawyer does not fully complete the terms of the agreement in a timely manner, the underlying complaint moves forward through the usual disciplinary process.

During 2023-2024, the GRP administrator successfully resolved 79 cases.



**STATE BAR OF TEXAS PUBLIC PROTECTION DOLLARS ACTUAL
EXPENDITURES (UNAUDITED) FY 2023-2024**

Commission for Lawyer Discipline	\$41,036
Office of Chief Disciplinary Counsel	\$9,989,820
UPL Committee	\$118,640
Grievance Oversight Committee	\$49,345
Professional Ethics Committee	\$10,096
Board of Disciplinary Appeals	\$521,921
Advertising Review	\$154,125
Minimum Continuing Legal Education	\$667,445
Texas Lawyers’ Assistance Program	\$469,041
Client-Attorney Assistance Program	\$598,051
Total General Fund	\$11,577,981
Client Security Fund - Claims Paid *	\$889,140
Total State Bar Public Protection Dollars	\$11,308,643

** Claims paid does not include all claims approved from the same fiscal year and may include claims approved from prior fiscal years.*

OVERSIGHT AND OPINIONS

GRIEVANCE OVERSIGHT COMMITTEE

The Grievance Oversight Committee is charged to study, review, and advise the Supreme Court of Texas regarding the structure, function, and effectiveness of the discipline system. The GOC is composed of six attorneys and three public members appointed by the Supreme Court of Texas. The committee is not part of the State Bar disciplinary process and neither considers nor resolves individual complaints involving attorney-client issues.

PROFESSIONAL ETHICS COMMITTEE

The Professional Ethics Committee is a nine-member committee appointed by the Supreme Court of Texas pursuant to Texas Government Code Section 81.091. The committee is charged with the responsibility of expressing opinions to questions regarding the propriety of professional conduct, which arise either upon a request for opinion by a State Bar member or upon the committee's own initiative. These opinions are published in the *Texas Bar Journal*. During the 2023-2024 bar year, the PEC issued six opinions, which can be found online at legaethicstexas.com.

OPINION 696 JUNE 2023

The Texas Disciplinary Rules of Professional Conduct do not prohibit staff counsel employed by an insurance company from representing insured clients merely because the insurance company considers the results of performance surveys in deciding the lawyer's compensation or continued employment. Lawyers may not allow performance surveys to interfere with their exercise of independent professional judgment and the rendering of candid advice during the representation of a client.

OPINION 697 JUNE 2023

A lawyer shall not reveal a deceased client's confidential information unless permitted by Rule 1.05. When the confidential information does not relate to a matter that affects the estate or its administration, a lawyer has discretion to reveal client confidences to the executor unless the client instructed otherwise. A lawyer should not make a discretionary disclosure to an executor if the lawyer reasonably believes the client would have opposed the disclosure under the circumstances.

"This has been a very helpful exercise. I'm taking away ways to better interact and work with clients, ways to be more efficient in practice, and steps to protect my practice and my clients in the event of death or disability." – GRP Participant

OPINION 698

JUNE 2023

Under the Texas Disciplinary Rules of Professional Conduct, a lawyer-defendant may not agree to settle a legal malpractice case by assigning to a non-lawyer plaintiff a portion of contingent fees the lawyer may earn in unrelated matters. A plaintiff's lawyer who proposes such an agreement is subject to disciplinary sanction for doing so if the lawyer knowingly "assists" or "induces" another lawyer to violate Rule 5.04(a). A lawyer has not "assisted" or "induced" another lawyer to violate Rule 5.04(a) if the second lawyer has not violated that Rule.

OPINION 699

FEBRUARY 2024

Under the Texas Disciplinary Rules of Professional Conduct and notwithstanding any agreement to the contrary, a lawyer may not attempt to impose or enforce an unreasonable minimum departure notice period upon a departing lawyer, reassign a client matter to new attorneys (absent client direction or exigent circumstances required for the protection of the client's interest) in a way that prevents a departing lawyer from fulfilling ethical obligations owed to the client before departure, or deny a departing lawyer access to firm resources necessary to continue to represent clients competently and efficiently during the pre-departure period. Similarly, with respect to client matters for which a departing lawyer is personally responsible, the lawyer must make reasonable efforts to avoid materially jeopardizing or disadvantaging those client matters by the timing or manner of their voluntary departure.

A law firm's employment agreement may not contain a blanket prohibition that prevents a departing lawyer from making and retaining copies of any client files or information on matters in which the lawyer has personally represented the client. A departing lawyer must be allowed to retain sufficient former client information to avoid conflicts of interests involving the lawyer's new practice (or subsequent practices with future firms or in various co-counsel arrangements) and, therefore, be available to serve clients where no conflict exists.

Assuming that a departing lawyer is responsible for a client's representation or currently plays a principal role in the law firm's delivery of legal services to that client, the departing lawyer has a duty to ensure that a client is timely informed (a) that the lawyer is leaving the firm, (b) that the client has the ultimate right to decide who will continue the representation, and (c) whether there are any contractual or financial ramifications of the client's decision. Preferably, the law firm and the lawyer will agree on a joint announcement regarding the lawyer's departure. When the firm and the lawyer have provided a joint notification, or when the firm has made a timely, accurate, and adequate unilateral announcement regarding the lawyer's departure, the lawyer is not obligated to provide a redundant announcement. A lawyer must provide notice of departure to a client, notwithstanding contrary instructions from the law firm, if the lawyer knows the law firm has not provided timely, accurate, and adequate notice. There may be instances in which both the firm and the lawyer make separate announcements, consistent with the clients' best interests and any legal and ethical obligations that the firm and the lawyer may have to the clients and to each other.

Finally, a lawyer may not participate in offering or making a partnership or employment agreement that restricts the right of a lawyer to solicit clients after termination of the relationship between the lawyer and the law firm, except an agreement concerning benefits upon retirement.

**OPINION 700
FEBRUARY 2024**

Under the Texas Disciplinary Rules of Professional Conduct, a lawyer who has departed from a law firm must enter into a new legal services agreement with a client who terminates the lawyer's prior firm and follows the lawyer to a new practice.

Before contracting with clients who propose to follow the departed lawyer to a new practice, the lawyer must alert the clients to any continuing financial or other contractual obligations known to the lawyer that the clients may have to the prior law firm.

**OPINION 701
MAY 2024**

Under the Texas Disciplinary Rules of Professional Conduct, a lawyer may enter into a subscription fee agreement with a client, and charge and collect a subscription fee under that agreement, if the fee is not unconscionable under the circumstances. A lawyer should ordinarily retain subscription legal fees in the lawyer's trust account until the end of the recurring subscription period. A contract provision forfeiting the entire amount of a monthly subscription fee if the subscription is cancelled before the end of the month is impermissible.

*“Valuable investment
in my professional
development.”
– GRP Participant*

*“This grievance process and the accusation lodged against me
is the hardest thing I have ever had to deal with in my law practice.
Ironically, I have learned much through this process,
and I have already noticed a difference in my stress levels because of
how I handle my clients.” – GRP Participant*

STATE BAR OF TEXAS — A FEW STATS

113,771	All active members
98,345	In-state attorneys
50	Median age of in-state attorneys
1:310	Ratio of all in-state attorneys to Texans
1:646	Ratio of in-state private practitioners to Texans
63	Percentage of in-state attorneys who are private practitioners
10	Percentage of in-state attorneys who are government lawyers
12	Percentage of in-state attorneys who are corporate/in-house counsel
85	Percentage of in-state attorneys in the four largest metropolitan areas (Houston-The Woodlands-Sugar Land MSA 32%, Dallas-Fort Worth-Arlington MSA 31%, Austin-Round Rock MSA 14%, San Antonio-New Braunfels MSA 8%)
13	Percentage of in-state attorneys who work as private practitioners in firms with 200 or more attorneys
37	Percentage of in-state attorneys who work as private practitioners in firms with five or fewer attorneys
\$142,856	Median income for full-time Texas attorneys
\$119,770	Median income for full-time solo practitioners

NOTE: Texas attorney data in this report is based on the State Bar of Texas membership records as of December 31, 2023, of each of the cited years. Texas general population data is based on July 2022 Census population estimates.

A TOOL FOR CONSUMERS

*The State Bar of Texas website includes a
“Find a Lawyer”*

*function that allows consumers to access
information about Texas lawyers.*

*More than 432,078 searches are
conducted each month,*

by about 122,403 unique visitors.

*Each attorney profile lists public disciplinary
actions in which there was a final*

*judgment. The site lists only the type of
action and its term (i.e., public reprimand,
suspension, etc.). Users are directed to*

contact the Office of Chief Disciplinary

Counsel for more details

on the sanction.



STATE BAR of TEXAS
Commission For Lawyer Discipline

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