



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

June 1, 2021 – May 31, 2022

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, 2022

As Chair of the Commission for Lawyer Discipline, I am pleased to present our 2021-2022 Annual Report, covering the period of June 1, 2021, through May 31, 2022. This report showcases the important work of the Office of Chief Disciplinary Counsel, the Commission for Lawyer Discipline, and the more than 380 volunteers who serve on grievance committees across the state.



Some of the highlights from the past year include:

- The Commission successfully resolved 559 complaints through the imposition of 400 sanctions and collected \$311,911 in attorneys' fees;
- The Commission continued its efforts to combat professional misconduct in the area of immigration. The Office of Chief Disciplinary Counsel, or CDC, resolved 14 immigration-related complaints through the imposition of 14 sanctions, consisting of eight private reprimands, three resignations in lieu of discipline, and three suspensions.
- This past year, 19 barratry-related grievances were filed. There were no barratry-related sanctions during that period, as all matters were either dismissed or resulted in sanctions that did not include a finding of barratry-related activity.
- CDC assisted the Client Security Fund Subcommittee of the State Bar of Texas Board of Directors in resolving 122 applications and approving \$147,385.14 in grants; and
- CDC held 215 investigatory hearings.

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, appearing to read 'Roberto Ramirez', with a stylized flourish at the end.

Roberto "Bobby" Ramirez
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 Texas Supreme Court.

ATTORNEY MEMBERS



Roberto "Bobby" Ramirez, Chair, 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.



Magali Suarez Candler, Vice Chair, is certified in immigration and nationality law by the Texas Board of Legal Specialization and is a member of the American Immigration Lawyers Association. She serves on the AILA Executive Office for Immigration Review Liaison Committee. She is a past chair of the Texas Chapter of AILA and served in the Houston Executive Office for Immigration Review, on the State Bar of Texas Laws Relating to Immigration and Nationality Committee, and on the University of Houston Law Foundation Board.



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.



Judge Monica A. Gonzalez 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 Texas Supreme Court 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.



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. She 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.

Michael S. Truesdale 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 Texas Supreme Court 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.



PUBLIC MEMBERS

Sheri Roach Brosier of Amarillo is a third-generation rancher, helping operate T.L. Roach & Son Allen Creek Ranch near Clarendon. She loves serving her community and volunteering for various civic organizations. She served on the District 13 Grievance Committee from 2001 to 2007.



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.



Steve C. Henry previously served on the District 10-4 Grievance Committee in the San Antonio region. He retired from the U.S. Air Force after 26 years and recently retired from Texas A&M University AgriLife Extension service. He is an advisory board member of the board of directors of the San Antonio Council on Alcohol & Drug Awareness.



Steven J. Herman was appointed to the Commission in 2021 after serving six years on District 6 Grievance Committee. He is active in his health insurance brokerage business. In his free time, he enjoys attending programs offered by the World Affairs Council of Dallas/Fort Worth, the John Goodwin Tower Center for Public Policy and International Affairs and the Center for Presidential History at Southern Methodist University, and the Federal Reserve Bank of Dallas. A former Marine, he volunteers at the Dallas Veterans' Association.



Shailendra N. Thomas has experience in education extending more than 30 years, serving as elementary school teacher, instructional specialist, educational consultant, adjunct college professor, senior administrator/principal at Fellowship Christian Academy in Dallas, co-director of the Texas Private Schools Association, and national accreditation commissioner for the Association of Christian Schools International. She currently serves as head of school at the King's Academy in Dallas and has co-authored several books.



Joe David "J.D." Villa has been a maintenance services specialist at the Corpus Christi Army Depot since 2016. He previously was a leading petty officer in the U.S. Navy Reserve. From 1998 to 2011, Villa served honorably in the U.S. Navy, with stints aboard the USS Enterprise and the USS Harry S. Truman. He is also a city council member for the city of Rockport and served on the District 11 Grievance Committee for six years.



Ethics Helpline — 800-532-3947

The Ethics Helpline returned approximately 5,000 phone calls from Texas lawyers 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 2021-2022 SNAPSHOT

Total Disciplinary Sanctions 400

***Total Complaints Resolved 559**

Disbarments 21

Public Reprimands 39

Resignations in Lieu of Discipline 27

Private Reprimands 94

Suspensions 120

Grievance Referral Program 99

- \$311,911 in attorneys' fees were collected from respondent attorneys as part of a sanction
- \$147,385.14 in grants were approved for victims of attorney misconduct by the State Bar of Texas Client Security Fund, with 122 applications considered by the subcommittee
- Approximately 5,000 phone calls were returned by the State Bar of Texas Ethics Helpline

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

GENDER AND RACE 2021-2022 SNAPSHOT

Total Disciplinary Sanctions 400

GENDER:

Male Respondents 79%

Female Respondents 21%

RACE:

White/Caucasian 57%

Black/African American 14%

Asian 2%

Hispanic/Latino 16%

Other/Not Specified 11%

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.

Recognizing Volunteers

*Currently, 381 Texans serve on local
grievance committees.*

Two-thirds are lawyers.

One-third are public members.

*Collectively, they volunteer thousands of hours
each year to protect the public.*

SPOTLIGHT ON THE UPLC

The main purpose for regulating the practice of law in Texas is for the protection of the public. Texas requires lawyers engaged in the practice of law to have high standards of training and competence and to practice under a strict code of ethics. The unauthorized practice of law by individuals without the educational and ethical qualifications of those admitted to the State Bar of Texas harms the public and the integrity of the legal profession. Limiting the practice of law to members of the bar protects consumers from the harm caused by purveyors of incompetent legal advice and worthless legal documents. To protect the public from hustlers and scammers, Texas prohibits people not trained as lawyers from practicing law. To that end, the Texas Supreme Court, which has the inherent power to regulate the practice of law in Texas, has charged the Unauthorized Practice of Law Committee, or UPLC, with investigating complaints alleging the unauthorized practice of law.

The UPLC consists of nine members appointed by the Texas Supreme Court to serve three-year terms. Chris Lowman of Houston and Ann Hennis of Spring Branch currently serve as Chair and Vice-Chair, respectively. At least three of the members must be non-attorneys. The UPLC has 38 subcommittees spread across the state. It relies on the volunteer efforts of lawyers and lay people committed to stamping out the unauthorized practice of law. Volunteers from diverse backgrounds investigate complaints of unauthorized practice of law, contact witnesses, provide respondents with notice and an opportunity to contest the allegations against them, and report their findings to the UPLC subcommittees. If the UPLC cannot resolve a complaint through a “Cease and Desist” agreement, a volunteer lawyer will file suit against the respondent to enjoin the respondent from continuing to engage in the unauthorized practice of law. In some cases, the UPLC will refer the matter to the appropriate criminal authority or governmental agency.

The most common areas in which victims are exposed to the unauthorized practice of law involve family law matters (i.e., divorces and child custody issues); real estate matters (i.e., deed preparation, transfers of property); wills and estates (i.e., preparation of wills, living trusts, durable powers of attorney); bankruptcy proceedings; and immigration services. The primary source of complaints filed with the UPLC are victims who were scammed into believing the person they paid to give them legal advice or to prepare and file legal documents was a licensed attorney when, in fact, that person was not a lawyer. In other instances, the victim paid money to a person who falsely led them to believe that the preparation of legal documents did not require a law license. Complaints also include notaries public or paralegals who exceed their authority. Finally, the UPLC receives complaints involving online scams run by non-lawyers, including the fraudulent use of attorneys’ names and bar numbers or fake law firm websites. In these cases, innocent attorneys as well as unsuspecting consumers are targeted by these bad actors. For most victims of the unauthorized practice of law, poorly drafted and sometimes nonsensical legal documents, along with incompetent legal advice from non-lawyers, can result in the loss of money, property, and, in some cases, liberty. In some instances, collaboration with state and federal law enforcement agencies may be necessary as part of the UPLC investigative process.

Individuals reporting the unauthorized practice of law in Texas may file a complaint online at www.txuplc.org. The UPLC does not accept anonymous complaints, nor can it investigate a complaint that does not include sufficient information to identify the individual alleged to have engaged in the unauthorized practice of law. Each complaint will be given a case number and assigned to the subcommittee where the alleged unauthorized practice of law has occurred. Once assigned, an investigation will be conducted that may include an investigative hearing after due process is afforded the respondent. The complaint may result in the respondent entering into a “Cease and Desist” agreement. In some instances, the case will be presented to the UPLC to determine whether there is sufficient evidence to grant authority for a suit to enjoin the conduct of the respondent. In the 2021-2022 bar year, the UPLC approved three requests for suit authority and entered into two “Cease and Desist” agreements.

Volunteer investigators and litigators are needed to serve on the UPLC subcommittees across the state. To learn more about the UPLC, or if you are interested in volunteering your time to help combat the unauthorized practice of law, please contact txuplcsupport@texasbar.com.

— UPLC HISTORICAL ROOTS —

THE FIRST COMMITTEE – 1932

The first committee in Texas was created in 1932 by the Texas Bar Association (predecessor to the State Bar of Texas) and was called the “Committee on the Lay and Corporate Encroachment of the Practice of Law.” The first job of the committee was to draft a statute defining the practice of law and prohibiting the unlicensed practice of law. The statute was drafted in 1933 and the committee was renamed the “Committee on Unlawful Practice of Law.”

1939 – 1952

The modern version of the committee was created following the creation of the State Bar of Texas in 1939. The Texas Supreme Court initially adopted rules that authorized the committee to assist local grievance committees to investigate the unlicensed practice of law but did not authorize the committee to prosecute lawsuits. The committee’s role was largely advisory. The investigation and prosecution of the unlicensed practice of law was left to the local grievance committees.

1952 – 1979

In 1952, the Texas Supreme Court adopted rules establishing the committee as a permanent entity and giving the committee investigative and prosecutorial powers, as well as the duty to inform the State Bar and others about the unlicensed practice of law. From 1952 to 1979, the committee members were appointed by the State Bar.

1979 – PRESENT

In 1979, the UPL statute was amended to require that members of the committee be appointed by the Texas Supreme Court.

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.

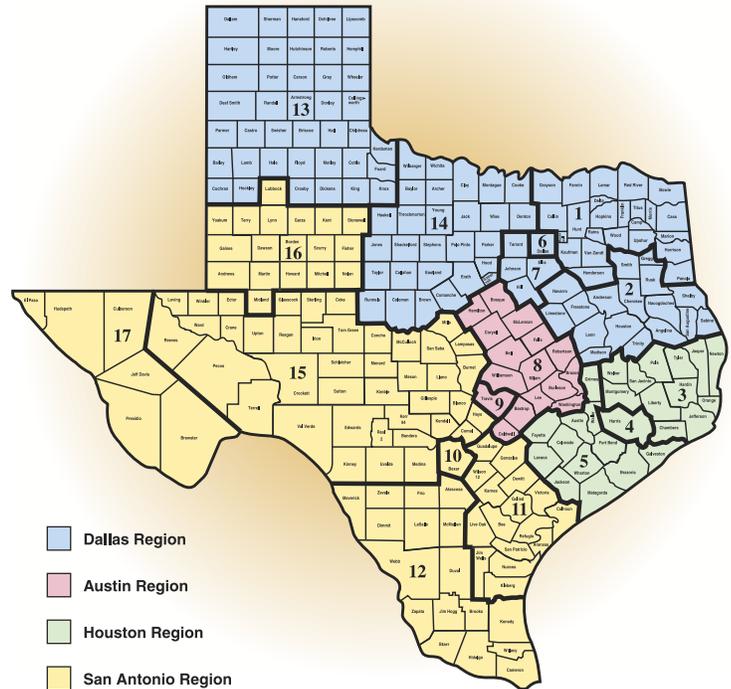
ATTORNEY ETHICS HELPLINE

CDC maintains, as a service to the members of the bar, a toll-free 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 designed 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 Ethics Helpline does not provide legal assistance to the general public and cannot address questions concerning pending grievances.

During the 2021-2022 bar year, ethics attorneys returned approximately 5,000 calls to the Ethics Helpline, with approximately 99% of calls returned within 24 hours. These calls ranged from simple inquiries to complex ethical questions that involved hours of research and discussion.



The Commission for Lawyer Discipline and CDC staff



The Commission for Lawyer Discipline



CDC Regional Counsel Bill Moore, Tonya Harlan, and Paul Homburg, and Chief Disciplinary Counsel Seana Willing

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 may also contain requirements directed toward changing behavior, completing additional continuing legal education in the area of law practice management, assigning of a law practice monitor, auditing of the attorney's trust account, or participating in treatment programs for mental health or substance use disorders.

A statewide compliance monitor manages the compliance caseload. The compliance monitor works closely with the bar's Grievance Referral Program administrator in cases involving rehabilitative terms of suspension. At the close of the 2021-2022 bar year, the compliance office had 523 active cases and had resolved 215 cases. An additional \$382,851.72 in restitution was collected in the 2021-2022 bar year in cases involving agreed judgments, non-agreed judgments, respondent defaults, and cases in which respondents were seeking reinstatement. The centralized compliance process contributed to \$311,911 in attorneys' fees collections for 2021-2022.

**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 2021-2022 bar year, the administrator presented 122 applications to the subcommittee. Of the 122 considered, 61 were approved, resulting in grants totaling \$147,385.14.

Time Period	Applications Presented	Applications Approved	Total Grants Approved
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

There were no barratry-related sanctions issued during the 2021-2022 bar year, as all allegations were either dismissed or resulted in sanctions that did not include a finding of barratry-related activity. 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.

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.

DISTRICT GRIEVANCE COMMITTEES

Currently, 381 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 lawyer members and one-third public members, each of whom serve a three-year staggered term 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 or proceed to prosecution; and (2) sit as a tribunal to determine whether professional misconduct was committed and assess an appropriate sanction.

TRAINING

Each year, CDC staff conducts comprehensive training on the mechanics of the grievance process for all district grievance committees throughout the state. This MCLE-approved training is conducted by regional counsel and their staff.

DIVERSITY OF GRIEVANCE COMMITTEE MEMBERS

Acknowledging the importance to the public and the lawyers 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 lawyer members reflect various practice areas and law firm sizes.

**2021-2022 DIVERSITY SURVEY OF GRIEVANCE COMMITTEE MEMBERSHIP
COMPARED WITH STATE BAR MEMBERSHIP**

Gender	Committee	Attorney Committee Membership	SBOT Membership
Male	58%	61%	62%
Female	42%	39%	38%

Ethnicity	Committee	Attorney Committee Membership	SBOT Membership
White	68%	72%	77%
Asian/Pacific Islander	2%	2%	4%
Black/African-American	6%	4%	6%
American Indian/Alaska Native	1%	1%	<1%
Hispanic/Latino	11%	15%	10%
Other	12%	6%	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

Anyone may file a grievance against a Texas attorney, either online or via a written grievance form.

CLASSIFICATION

The filing of a written grievance initiates the disciplinary process. Lawyers 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. This determination is referred to as classification of the grievance and is made within 30 days of the filing of the grievance. During the 2021-2022 bar year, 7,175 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 2021-2022 bar year, 4,997 were dismissed as inquiries and 1,928 were classified as complaints.

WHY ARE GRIEVANCES DISMISSED?

Grievances are dismissed for various reasons, including the following:

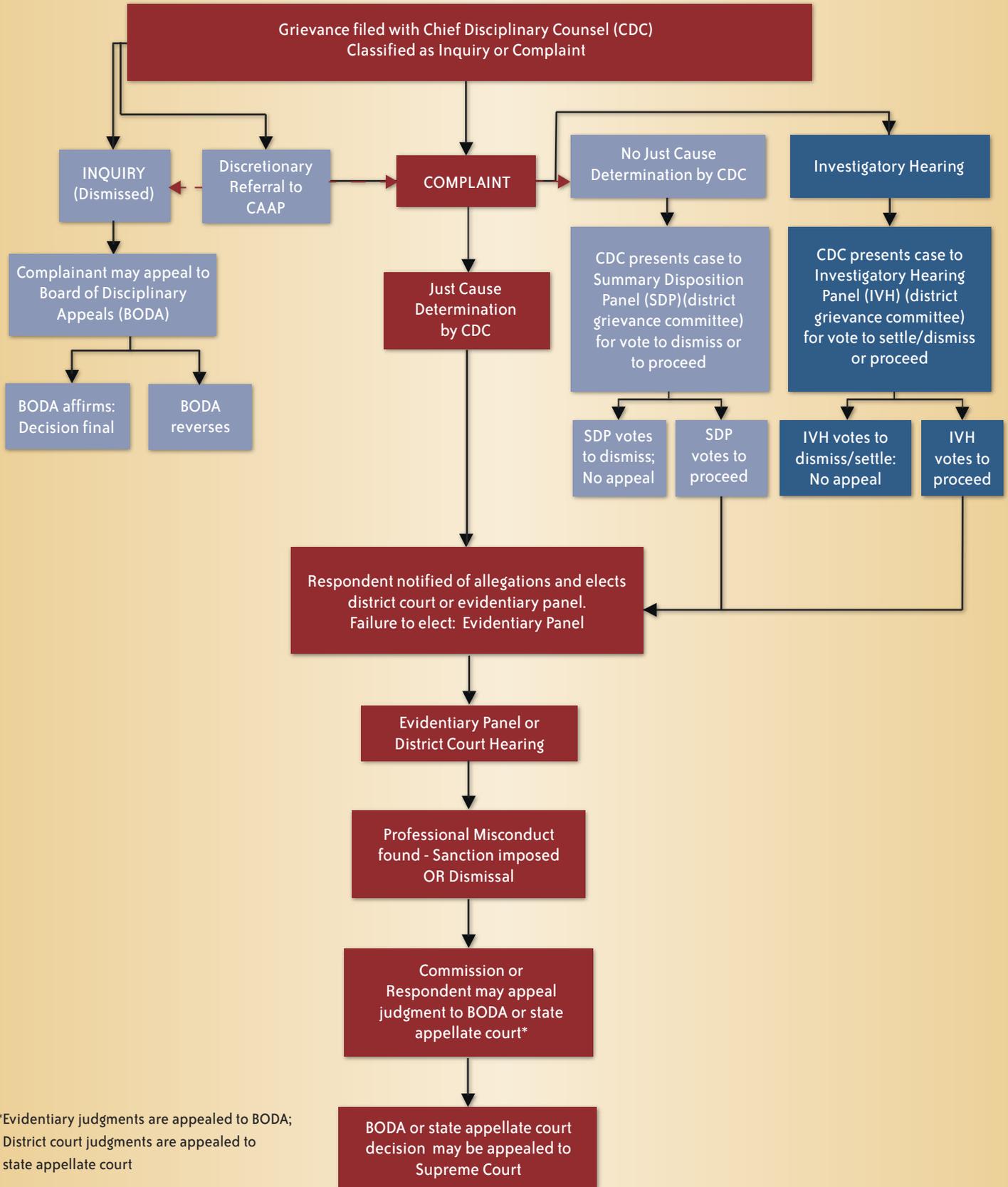
- The grievance concerns the outcome of a case but does not specify a violation of an ethics rule.
- The grievance does not involve a lawyer's conduct in the lawyer's professional capacity.
- The grievance is filed too late.
- The grievance is duplicative or identical to a previous filing.
- The grievance concerns a lawyer 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 Texas Supreme Court.

During the 2021-2022 bar year, BODA received 1,109 appeals by complainants from classification decisions. Of the 1,060 cases decided by BODA during this period, 60 classification decisions were reversed, resulting in an overall reversal rate of 5.7%.

— PROCESSING A GRIEVANCE —



*Evidentiary judgments are appealed to BODA;
District court judgments are appealed to state appellate court

INVESTIGATION AND DETERMINATION OF JUST CAUSE

Once the grievance is classified as a complaint, it is sent to the respondent lawyer, who has 30 days from receipt to respond. 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 lawyers 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 2021-2022 bar year, 1,414 cases were presented for consideration as an SDP by local grievance committees. The panels voted to dismiss 1,409 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 2021-2022 bar year, 358 cases were resolved after an IVH, with 238 cases ending with an agreed sanction and 120 cases dismissed by the IVH panel.

TRIAL OF THE COMPLAINT

If CDC finds just cause or the summary disposition panel votes to proceed on the complaint, the respondent lawyer is given written notice of the allegations and rule violations. Within 20 days, the respondent must choose whether 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.

2021-2022 BAR YEAR		2020-2021 BAR YEAR	
Elected Evidentiary	52	Elected Evidentiary	61
Defaulted into Evidentiary	155	Defaulted into Evidentiary	137
Elected District Court	64	Elected District Court	27

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 lawyer.

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 2021-2022 bar year, CDC resolved 559 complaints before grievance committee panels, district courts, and the Board of Disciplinary Appeals and disposed of more than 1,400 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 2021-2022, the Grievance Referral Program administrator resolved 99 cases.

STATE BAR OF TEXAS PUBLIC PROTECTION DOLLARS ACTUAL EXPENDITURES (UNAUDITED) FY 2021-2022

Commission for Lawyer Discipline	\$42,426
Office of Chief Disciplinary Counsel	\$9,517,403
UPL Committee	\$74,067
Grievance Oversight Committee	\$26,075
Professional Ethics Committee	\$4,122
Board of Disciplinary Appeals	\$473,641
Advertising Review	\$144,915
Minimum Continuing Legal Education	\$587,183
Texas Lawyers' Assistance Program	\$355,576
Client-Attorney Assistance Program	\$554,050

Total General Fund	\$11,779,458
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Client Security Fund - Claims Paid *	\$126,896
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Total State Bar Public Protection Dollars	\$11,906,354
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** 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 Texas Supreme Court regarding the structure, function, and effectiveness of the discipline system. The GOC is composed of six attorneys and three public members appointed by the Texas Supreme Court. 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 Texas Supreme Court 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 2020-2021 bar year, the PEC issued three opinions, all of which can be found online at legaethicstexas.com.

OPINION 691 JUNE 2021

A lawyer who consults with a person about the possibility of forming a client-lawyer relationship with respect to a matter owes that person a duty of confidentiality under Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct and may not use or reveal information communicated by the prospective client except in accordance with that Rule.

A lawyer's consultation with a prospective client may result in a disqualifying adverse limitation under Rule 1.06(b)(2). Whether a lawyer's representation of a client reasonably appears to be adversely limited by the lawyer's duty of confidentiality to a former prospective client is ordinarily a factual inquiry. As a general rule, a lawyer should not represent a client with interests materially adverse to those of a former prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter.

If Rule 1.06(b)(2) prohibits a lawyer from undertaking a representation adverse to a former prospective client, then no other lawyer while a member or associated with that lawyer's firm may accept the representation. Screening will not avoid the imputation of a Rule 1.06(b)(2) conflict based on a consultation with a former prospective client unless all parties consent to the screening arrangement in accordance with Rule 1.06(c).

OPINION 692 OCTOBER 2021

Under the Texas Disciplinary Rules of Professional Conduct, a lawyer does not have a duty to correct intentionally false statements made by the client while being cross-examined by the opposing party's counsel during a deposition. Nevertheless, the lawyer should urge the client to correct the false statements, including by explaining the potential civil and criminal ramifications of false testimony. If the client refuses, the lawyer may (but is not required to) withdraw from the client representation if permitted by the Rules. If the lawyer does not withdraw, the lawyer is not required to disclose the true facts but may not use the false deposition testimony in any way to advance the client's case.

OPINION 693
FEBRUARY 2022

Without prior consent, a lawyer may not represent a person adverse to a client of the lawyer's former firm if the lawyer "personally represented" the client while at the former firm and if the adverse representation falls within any of the three categories set out in Rule 1.09(a). Any conflict of interest based on the lawyer's former personal representation of a client will be imputed to all other lawyers at the lawyer's current law firm. Ethical screening of the lawyer will be ineffective to avoid the conflict unless Rule 1.10 or 1.11 applies or the affected clients provide informed consent to the screen.

The "generally known" exception to a lawyer's obligations of confidentiality does not eliminate conflicts of interest arising from the representation of a public entity client merely because the client may discuss some legal matters in public session or some records related to the legal representation may be available through an open records request.

Rule 1.10 relates to lawyers who are public officers or employees and who transition to private practice. Rule 1.10 is inapplicable to lawyers moving from one private law firm to another private law firm, even if the lawyer represents public entities.

STATE BAR OF TEXAS — A FEW STATS

108,816	All Active Members
95,196	In-State Attorneys
49	Median age of in-state attorneys
1:310	Ratio of all in-state attorneys to Texans
1:633	Ratio of in-state private practitioners to Texans
64	Percentage of in-state attorneys who are private practitioners
10	Percentage of in-state attorneys who are government lawyers
11	Percentage of in-state attorneys who are corporate/in-house counsel
84	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%)
8	Percentage of in-state attorneys who work as private practitioners in firms with 200 or more attorneys
38	Percentage of in-state attorneys who work as private practitioners in firms with five or fewer attorneys
\$125,202	Median income for full-time Texas attorneys
\$112,755	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, 2021, of each of the cited years. Texas general population data is based on July 2021 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 306,248 searches are
conducted each month,
by about 152,017 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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