

By: Jackson

S.B. No. 272

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the State Bar of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.003, Government Code, is amended to read as follows:

Sec. 81.003. SUNSET PROVISION. The state bar is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, this chapter expires September 1, 2015 [~~2003~~].

SECTION 2. Sections 81.020(c) and (f), Government Code, are amended to read as follows:

(c) Elected members serve three-year terms. Nonattorney members serve staggered terms of the same length as terms of elected board members. The supreme court shall annually appoint two nonattorney members, with at least one of the two from a list of at least five names submitted by the governor. Appointments to the board [~~In making the appointments the supreme court and the governor must attempt to ensure full and fair representation of the general public, including women, minorities, and retired persons who are at least 55 years of age. Each appointment~~] shall be made without regard to the race, color, disability [~~creed~~], sex, religion, age, or national origin of the appointees. A person who has served more than half of a full term is not eligible for

1 reappointment to the board.

2 (f) The board of directors shall develop and implement  
3 policies that clearly separate ~~[define]~~ the ~~[respective]~~  
4 responsibilities of the board and the management responsibilities  
5 of the executive director and the staff of the state bar.

6 SECTION 3. Subchapter B, Chapter 81, Government Code, is  
7 amended by adding Sections 81.0201 and 81.0215 to read as follows:

8 Sec. 81.0201. TRAINING PROGRAM FOR BOARD MEMBERS. (a) A  
9 person who is appointed to and qualifies for office as a member of  
10 the board of directors may not vote, deliberate, or be counted as a  
11 member in attendance at a meeting of the board until the person  
12 completes a training program that complies with this section.

13 (b) The training program must provide the person with  
14 information regarding:

15 (1) the legislation that created the state bar and the  
16 board;

17 (2) the programs operated by the state bar;

18 (3) the role and functions of the state bar;

19 (4) the rules of the state bar, with an emphasis on the  
20 rules that relate to disciplinary and investigatory authority;

21 (5) the current budget for the state bar;

22 (6) the results of the most recent formal audit of the  
23 state bar;

24 (7) the requirements of:

25 (A) the open meetings law, Chapter 551;

26 (B) the public information law, Chapter 552; and

27 (C) other laws relating to public officials,

1 including conflict-of-interest laws; and

2 (8) any applicable ethics policies adopted by the  
3 state bar or the Texas Ethics Commission.

4 Sec. 81.0215. STRATEGIC PLAN. (a) The state bar shall  
5 develop a comprehensive, long-range strategic plan for its  
6 operations. Each even-numbered year, the state bar shall issue a  
7 plan covering five fiscal years beginning with the next  
8 odd-numbered fiscal year.

9 (b) The strategic plan must include measurable goals and a  
10 system of performance measures that:

11 (1) relates directly to the identified goals; and

12 (2) focuses on the results and outcomes of state bar  
13 operations and services.

14 (c) Each year, the state bar shall report the performance  
15 measures included in the strategic plan under this section to the  
16 supreme court and the editor of the Texas Bar Journal for  
17 publication.

18 SECTION 4. Section 81.022, Government Code, is amended by  
19 adding Subsections (a-1) and (e) to read as follows:

20 (a-1) In developing and approving the annual budget, the  
21 state bar and supreme court shall:

22 (1) consider the goals and performance measures  
23 identified in the strategic plan developed under Section 81.0215;  
24 and

25 (2) identify additional goals and performance  
26 measures as necessary.

27 (e) After implementing a budget approved by the supreme

1 court, the state bar shall report to the court regarding the state  
2 bar's performance on the goals and performance measures identified  
3 in the strategic plan developed under Section 81.0215. The state  
4 bar shall:

5 (1) revise the goals and performance measures as  
6 necessary; and

7 (2) notify the supreme court of the revisions.

8 SECTION 5. Section 81.024(d), Government Code, is amended  
9 to read as follows:

10 (d) At the end of the 30-day period following the date the  
11 ballots are mailed, the court shall count the returned ballots. [~~An~~  
12 ~~election is valid only if at least 51 percent of the registered~~  
13 ~~members of the state bar vote in the election.~~]

14 SECTION 6. Subchapter B, Chapter 81, Government Code, is  
15 amended by adding Sections 81.0241, 81.0242, and 81.0243 to read as  
16 follows:

17 Sec. 81.0241. RULES REGARDING ADVERTISING. (a) The  
18 supreme court may not promulgate rules restricting advertising or  
19 competitive bidding by members of the state bar except to prohibit  
20 false, misleading, or deceptive practices.

21 (b) In its rules to prohibit false, misleading, or deceptive  
22 practices, the supreme court may not include a rule that:

23 (1) restricts the use of any medium for advertising;  
24 (2) restricts the use of the personal appearance or  
25 voice of a member of the state bar in an advertisement; or

26 (3) relates to the size or duration of an  
27 advertisement by a member of the state bar.

1       Sec. 81.0242. ELECTRONIC TRANSMISSION OF ELECTION  
2 MATERIALS. (a) The state bar may, with the approval of the supreme  
3 court, distribute by electronic transmission ballots and related  
4 materials and receive by electronic transmission completed ballots  
5 in an election under this chapter.

6       (b) Before approving the distribution of ballots and  
7 related materials by electronic transmission under this section,  
8 the supreme court must be satisfied that the state bar has  
9 implemented procedures that ensure each member of the state bar  
10 will have secure access to election ballots and information.

11       Sec. 81.0243. PARTICIPATION IN ELECTIONS. The state bar,  
12 in the manner provided by the supreme court, shall:

13               (1) promote and monitor participation of members of  
14 the state bar in elections under this chapter; and

15               (2) report statistics regarding that participation to  
16 the supreme court and the editor of the Texas Bar Journal for  
17 publication.

18       SECTION 7. Section 81.026(a), Government Code, is amended  
19 to read as follows:

20       (a) The board may create committees, subject to the  
21 executive committee's approval under Subchapter I, and sections as  
22 it considers advisable and necessary to carry out the purposes of  
23 this chapter.

24       SECTION 8. Section 81.027(a), Government Code, is amended  
25 to read as follows:

26       (a) The board of directors may remove a director from the  
27 board at any regular meeting by resolution declaring the director's

position vacant. It is a ground for removal from the board that a director [if]:

(1) does not have at the time of taking office the applicable qualifications for office, if any;

(2) does not maintain during service on the board the applicable qualifications for office, if any;

(3) is ineligible for membership under Section 81.028 or 81.031;

(4) cannot, because of illness or disability, discharge the director's duties for a substantial part of the director's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the director is eligible to attend during a calendar year without an excuse approved by a majority vote of the board ~~[the director, in the board's determination, has become incapacitated and cannot perform his duties as a director;~~

~~[(2) the director has been absent, without cause considered adequate by the board, from any two consecutive regular meetings of the board or from a total of four meetings;~~

~~[(3) the director violates a prohibition established by Section 81.028; or~~

~~[(4) the director has violated the terms or provisions of Section 81.031].~~

SECTION 9. Section 81.028, Government Code, is amended to read as follows:

Sec. 81.028. RELATIONSHIP WITH TRADE ASSOCIATION ~~[EMPLOYEE OR CONSULTANT]~~. (a) In this section, "Texas trade association"

means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board of directors and may not be a state bar employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of board interest; or

(2) the person's spouse is an officer, manager, [A member of the board of directors or an employee of the board may not be an employee] or paid consultant of a Texas trade association in the field of board interest.

SECTION 10. Sections 81.029(j) and (k), Government Code, are amended to read as follows:

(j) The executive director or the executive director's designee shall prepare and maintain a written policy statement that implements ~~[to assure implementation of]~~ a program of equal employment opportunity to ensure that ~~[under which]~~ all personnel decisions ~~[transactions]~~ are made without regard to race, color, disability ~~[handicap]~~, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, ~~[appointment,~~ training, and promotion of personnel, that show the intent of the state bar to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an ~~[a comprehensive]~~ analysis of the extent to which the composition of the state bar's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law ~~[state bar work force that meets federal and state guidelines;~~

~~[(3) procedures by which a determination can be made of significant underuse in the state bar work force of all persons for whom federal or state guidelines encourage a more equitable balance; and~~

~~[(4) reasonable methods to appropriately address those areas of significant underuse].~~

(k) The ~~[A]~~ policy statement ~~[prepared under Subsection (j)]~~ must:

(1) ~~[cover an annual period,~~ be updated ~~[at least]~~ annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (j)(1);~~[~~ and

(3) be filed with the supreme court and the governor's office.

SECTION 11. Subchapter B, Chapter 81, Government Code, is amended by adding Sections 81.035, 81.036, 81.037, and 81.038 to read as follows:



1       Sec. 81.035. INFORMATION REGARDING REQUIREMENTS FOR OFFICE  
2 OR EMPLOYMENT. The executive director or the executive director's  
3 designee shall provide to members of the board of directors and to  
4 agency employees, as often as necessary, information regarding the  
5 requirements for office or employment under this chapter, including  
6 information regarding a person's responsibilities under applicable  
7 laws relating to standards of conduct for state officers or  
8 employees.

9       Sec. 81.036. INFORMATION ON CERTAIN COMPLAINTS. (a) The  
10 state bar shall maintain a file on each written complaint, other  
11 than a grievance against an attorney, filed with the state bar. The  
12 file must include:

13               (1) the name of the person who filed the complaint;  
14               (2) the date the complaint is received by the state  
15 bar;

16               (3) the subject matter of the complaint;  
17               (4) the name of each person contacted in relation to  
18 the complaint;

19               (5) a summary of the results of the review or  
20 investigation of the complaint; and

21               (6) an explanation of the reason the file was closed,  
22 if the state bar closed the file without taking action other than to  
23 investigate the complaint.

24       (b) The state bar shall provide to the person filing the  
25 complaint and to each person who is a subject of the complaint a  
26 copy of the state bar's policies and procedures relating to  
27 complaint investigation and resolution.

(c) The state bar, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Sec. 81.037. STATE EMPLOYEE INCENTIVE PROGRAM. The executive director or the executive director's designee shall provide to state bar employees information and training on the benefits and methods of participation in the state employee incentive program under Subchapter B, Chapter 2108.

Sec. 81.038. USE OF TECHNOLOGY. The board of directors shall develop and implement a policy requiring the executive director and state bar employees to research and propose appropriate technological solutions to improve the state bar's ability to perform its functions. The technological solutions must:

(1) ensure that the public is able to easily find information about the state bar on the Internet;

(2) ensure that persons who want to use the state bar's services are able to:

(A) interact with the state bar through the Internet; and

(B) access any service that can be provided effectively through the Internet; and

(3) be cost effective and developed through the state bar's planning processes.

SECTION 12. Section 81.054, Government Code, is amended by

1 amending Subsection (a) and adding Subsections (f)-(i) to read as  
2 follows:

3 (a) The supreme court shall set fees for members of the  
4 state bar. The fees, other than those set for associate members,  
5 must be set in accordance with this section and Section 81.024.

6 (f) A person who is otherwise eligible to renew the person's  
7 membership may renew the membership by paying the required  
8 membership fees to the state bar on or before the due date.

9 (g) A person whose membership has been expired for 90 days  
10 or less may renew the membership by paying to the state bar  
11 membership fees equal to 1-1/2 times the normally required  
12 membership fees.

13 (h) A person whose membership has been expired for more than  
14 90 days but less than one year may renew the membership by paying to  
15 the state bar membership fees equal to two times the normally  
16 required membership fees.

17 (i) Not later than the 30th day before the date a person's  
18 membership is scheduled to expire, the state bar shall send written  
19 notice of the impending expiration to the person at the person's  
20 last known address according to the records of the state bar.

21 SECTION 13. The heading to Section 81.072, Government Code,  
22 is amended to read as follows:

23 Sec. 81.072. GENERAL DISCIPLINARY AND DISABILITY  
24 PROCEDURES.

25 SECTION 14. Section 81.072, Government Code, is amended by  
26 amending Subsections (a), (b), (e), (f), (h), and (o) and adding  
27 Subsection (e-1) to read as follows:

1 (a) In furtherance of the supreme court's powers to  
2 supervise the conduct of attorneys, the court shall establish  
3 disciplinary and disability procedures in addition to the  
4 procedures provided by this subchapter.

5 (b) The supreme court shall establish minimum standards and  
6 procedures for the attorney disciplinary and disability system.  
7 The standards and procedures for processing grievances  
8 ~~[complaints]~~ against attorneys must provide for:

9 (1) classification of all grievances and  
10 investigation of all ~~[inquiries and]~~ complaints;

11 (2) a full explanation to each complainant on  
12 dismissal of an inquiry or a complaint;

13 (3) periodic preparation of abstracts of inquiries and  
14 complaints filed that, even if true, do or do not constitute  
15 misconduct;

16 (4) an information file for each grievance ~~[complaint]~~  
17 filed;

18 (5) a grievance ~~[complaint]~~ tracking system to monitor  
19 processing of grievances ~~[complaints]~~ by category, method of  
20 resolution, and length of time required for resolution;

21 (6) notice by the state bar to the parties of a written  
22 grievance ~~[complaint]~~ filed with the state bar that the state bar  
23 has the authority to resolve of the status of the grievance  
24 ~~[complaint]~~, at least quarterly and until final disposition, unless  
25 the notice would jeopardize an undercover investigation;

26 (7) an administrative system for attorney  
27 disciplinary and disability findings in lieu of ~~[decisions as an]~~

1 ~~option to~~] trials in district court, including an appeal procedure  
2 to the Board of Disciplinary Appeals and the supreme court under the  
3 substantial evidence rule;

4 (8) an administrative system for reciprocal and  
5 compulsory discipline;

6 (9) interim suspension of an attorney posing a threat  
7 of immediate irreparable harm to a client;

8 (10) authorizing all parties to an attorney  
9 disciplinary hearing, including the complainant, to be present at  
10 all hearings at which testimony is taken and requiring notice of  
11 those hearings to be given to the complainant not later than the  
12 seventh day before the date of the hearing;

13 (11) the commission adopting rules that govern the use  
14 of private reprimands by grievance committees and that prohibit a  
15 committee:

16 (A) giving an attorney more than one private  
17 reprimand within a five-year period for a violation of the same  
18 disciplinary rule; or

19 (B) giving a private reprimand for a violation  
20 that involves a failure to return an unearned fee, a theft, or a  
21 misapplication of fiduciary property; and

22 (12) distribution of a voluntary survey to all  
23 complainants urging views on grievance system experiences.

24 (e) The state bar shall establish a voluntary mediation and  
25 dispute resolution procedure to:

26 (1) resolve each allegation [~~that may be used as a~~  
27 ~~model for resolving allegations~~] of attorney misconduct that is:

1                   (A) classified as an inquiry under Section 81.073  
2 because it does ~~[do]~~ not constitute an offense cognizable under the  
3 Texas Disciplinary Rules of Professional Conduct; or

4                   (B) classified as a complaint and subsequently  
5 dismissed; and

6                   (2) facilitate coordination with other programs  
7 administered by the state bar to address and resolve inquiries and  
8 complaints referred to the voluntary mediation and dispute  
9 resolution procedure.

10                  (e-1) All types of information, proceedings, hearing  
11 transcripts, and statements presented during the voluntary  
12 mediation and dispute resolution procedure established under  
13 Subsection (e) are confidential to the same extent the information,  
14 proceedings, transcripts, or statements would be confidential if  
15 presented to a panel of a district grievance committee.

16                  (f) Responses to the survey provided for in Subsection  
17 (b)(12) may not identify either the complainant or attorney and  
18 shall be open to the public. The topics must include:

19                   (1) treatment by the grievance system staff and  
20 volunteers;

21                   (2) the fairness of grievance procedures;

22                   (3) the length of time for grievance ~~[complaint]~~  
23 processing;

24                   (4) disposition of the grievance ~~[complaint]~~; and

25                   (5) suggestions for improvement of the grievance  
26 system.

27                  (h) The state bar or a court may not require an attorney

1 against whom a disciplinary action has been brought to disclose  
2 information protected by the attorney-client privilege if the  
3 client did not initiate the grievance ~~[complaint]~~ that is the  
4 subject of the action.

5 (o) Whenever a grievance is either dismissed as an inquiry  
6 or dismissed as a complaint ~~[after an investigatory hearing]~~ in  
7 accordance with the Texas Rules of Disciplinary Procedure and that  
8 dismissal has become final, the respondent attorney may thereafter  
9 deny that a grievance was pursued and ~~[. In any disciplinary action~~  
10 ~~which is tried to verdict before an evidentiary panel or a district~~  
11 ~~court and there is a take-nothing judgment entered which becomes~~  
12 ~~final, the respondent attorney]~~ may file a motion with the district  
13 grievance committee ~~[tribunal]~~ seeking expunction of all records  
14 ~~[the tribunal's file]~~ on the matter, ~~[. In the event an expunction~~  
15 ~~is granted, the evidentiary panel or district court shall order~~  
16 ~~that all records be destroyed]~~ other than statistical or  
17 identifying information maintained by the chief disciplinary  
18 counsel pertaining to the ~~[any]~~ grievance ~~[which formed the basis~~  
19 ~~of the disciplinary action and the respondent attorney may~~  
20 ~~thereafter deny any grievance which formed the basis of the~~  
21 ~~disciplinary action was filed].~~

22 SECTION 15. Subchapter E, Chapter 81, Government Code, is  
23 amended by adding Sections 81.073, 81.074, 81.075, 81.0751,  
24 81.0752, and 81.0753 to read as follows:

25 Sec. 81.073. CLASSIFICATION OF GRIEVANCES. (a) The chief  
26 disciplinary counsel's office shall classify each grievance on  
27 receipt as:

1           (1) a complaint, if the grievance alleges conduct  
2 that, if true, constitutes professional misconduct or disability  
3 cognizable under the Texas Disciplinary Rules of Professional  
4 Conduct; or

5           (2) an inquiry, if the grievance alleges conduct that,  
6 even if true, does not constitute professional misconduct or  
7 disability cognizable under the Texas Disciplinary Rules of  
8 Professional Conduct.

9           (b) A complainant may appeal the classification of a  
10 grievance as an inquiry to the Board of Disciplinary Appeals, or the  
11 complainant may amend and resubmit the grievance. An attorney  
12 against whom a grievance is filed may not appeal the classification  
13 of the grievance.

14           Sec. 81.074. DISPOSITION OF INQUIRIES. The chief  
15 disciplinary counsel shall dismiss a grievance classified as an  
16 inquiry and refer the inquiry to the voluntary mediation and  
17 dispute resolution procedure established under Section 81.072(e).

18           Sec. 81.075. DISPOSITION OF COMPLAINTS. (a) The chief  
19 disciplinary counsel shall review each grievance classified as a  
20 complaint to determine whether there is just cause, as defined by  
21 the Texas Rules of Disciplinary Procedure.

22           (b) After reviewing a complaint, the chief disciplinary  
23 counsel shall place the complaint on:

24           (1) a hearing docket, if the counsel finds just cause;  
25 or

26           (2) a dismissal docket, if the counsel finds there is  
27 no just cause.



1        (c) A district grievance committee shall consider each  
2 complaint placed on the dismissal docket at a closed hearing  
3 without the complainant or the respondent attorney present. The  
4 committee may:

5            (1) approve the dismissal of the complaint and refer  
6 the complaint to the voluntary mediation and dispute resolution  
7 procedure established under Section 81.072(e); or

8            (2) deny the dismissal of the complaint and place the  
9 complaint on a hearing docket.

10        (d) A panel of a district grievance committee shall conduct  
11 a hearing on each complaint placed on the hearing docket. The  
12 commission represents the interests of the complainant at the  
13 hearing. Each party may seek and the committee may issue a subpoena  
14 to compel attendance and production of records before the panel.  
15 Each party may conduct limited discovery in general accordance with  
16 the Texas Rules of Evidence as prescribed by rules of the supreme  
17 court.

18        (e) After conducting a hearing under Subsection (d), the  
19 panel of the district grievance committee may:

20            (1) dismiss the complaint and refer it to the  
21 voluntary mediation and dispute resolution procedure established  
22 under Section 81.072(e);

23            (2) find that the respondent attorney suffers from a  
24 disability and forward that finding to the Board of Disciplinary  
25 Appeals for referral to a district disability committee; or

26            (3) find that professional misconduct occurred and  
27 impose sanctions.

1       Sec. 81.0751. APPEALS. The commission, on behalf of a  
2 complainant, or a respondent attorney may appeal:

3           (1) a finding of a panel of a district grievance  
4 committee under Section 81.075(e) only to the Board of Disciplinary  
5 Appeals; and

6           (2) a finding of the Board of Disciplinary Appeals to  
7 the supreme court.

8       Sec. 81.0752. CONFIDENTIALITY. (a) All types of  
9 information, proceedings, hearing transcripts, and statements  
10 presented to a panel of a district grievance committee are  
11 confidential and may not be disclosed to any person other than the  
12 chief disciplinary counsel unless:

13           (1) disclosure is ordered by a court; or

14           (2) the panel finds that professional misconduct  
15 occurred and a sanction other than a private reprimand is imposed  
16 against the respondent attorney.

17       (b) If the requirements of Subsection (a)(2) are met, the  
18 panel of the district grievance committee shall, on request, make  
19 the information, proceedings, hearing transcripts, or statements  
20 available to the public.

21       Sec. 81.0753. RULES REGARDING GRIEVANCES. The supreme  
22 court shall promulgate rules regarding the classification and  
23 disposition of grievances, including rules specifying time limits  
24 for each stage of the grievance resolution process.

25       SECTION 16. Section 81.079, Government Code, is amended to  
26 read as follows:

27       Sec. 81.079. PUBLIC NOTIFICATION AND INFORMATION. (a) To

1 provide information to the public relating to the attorney  
2 grievance process, the state bar shall:

3 (1) develop a brochure written in Spanish and English  
4 describing the bar's grievance process;

5 (2) establish a toll-free "800" telephone number for  
6 public access to the chief disciplinary counsel's office in Austin  
7 and list the number in telephone directories statewide;

8 (3) describe the bar's grievance process in the bar's  
9 telephone directory listings statewide; and

10 (4) make grievance [~~complaint~~] forms written in  
11 Spanish and English available in each county courthouse.

12 (b) Each attorney practicing law in this state shall provide  
13 notice to each of the attorney's clients of the existence of a  
14 grievance process by:

15 (1) making grievance [~~complaint~~] brochures prepared  
16 by the state bar available at the attorney's place of business;

17 (2) posting a sign prominently displayed in the  
18 attorney's place of business describing the process;

19 (3) including the information on a written contract  
20 for services with the client; or

21 (4) providing the information in a bill for services  
22 to the client.

23 SECTION 17. Section 81.113, Government Code, is amended by  
24 adding Subsection (c) to read as follows:

25 (c) The state bar shall recognize, prepare, or administer  
26 continuing education programs for members of the state bar. A  
27 member of the state bar must participate in the programs to the

1 extent required by the supreme court to maintain the person's state  
2 bar membership.

3 SECTION 18. Chapter 81, Government Code, is amended by  
4 adding Subchapter I to read as follows:

5 SUBCHAPTER I. EXECUTIVE COMMITTEE

6 Sec. 81.121. EXECUTIVE COMMITTEE. (a) The executive  
7 committee consists of:

8 (1) the president, the president-elect, and the  
9 immediate past president of the state bar;

10 (2) the chair of the board of directors;

11 (3) the president of the Texas Young Lawyers  
12 Association; and

13 (4) additional members appointed by the board of  
14 directors.

15 (b) The general counsel and executive director serve as ex  
16 officio members of the committee.

17 (c) The president of the state bar serves as chair of the  
18 committee. The chair of the board of directors serves as vice chair  
19 of the committee and presides over committee meetings in the  
20 committee chair's absence.

21 Sec. 81.122. DUTIES OF EXECUTIVE COMMITTEE. The executive  
22 committee shall:

23 (1) on the recommendation of the president-elect of  
24 the state bar, approve the creation of additional standing and  
25 special committees of the state bar in accordance with Section  
26 81.123;

27 (2) conduct a comprehensive review of standing and

1 special committees of the state bar at least biennially and more  
2 frequently as the executive committee determines necessary to  
3 assess whether there is:

4 (A) a continued need for each committee; and

5 (B) unnecessary overlap of the committees'  
6 activities; and

7 (3) perform other duties as delegated by the board of  
8 directors.

9 Sec. 81.123. APPROVAL OF COMMITTEES. Before the executive  
10 committee may approve the creation of an additional standing or  
11 special committee of the state bar, the committee must:

12 (1) study and determine the fiscal impact creating the  
13 committee would have on the state bar budget; and

14 (2) poll the chair of each existing committee and  
15 conduct a review to determine whether the matter to be addressed by  
16 the proposed committee could be addressed by an existing committee.

17 SECTION 19. Sections 81.020(e) and 81.029(1), Government  
18 Code, are repealed.

19 SECTION 20. Not later than January 1, 2004, the executive  
20 director of the State Bar of Texas or the executive director's  
21 designee shall prepare the written policy statement required by  
22 Section 81.029, Government Code, as amended by this Act.

23 SECTION 21. (a) The changes in law made by this Act in the  
24 prohibitions or qualifications applying to members of the board of  
25 directors of the State Bar of Texas do not affect the entitlement of  
26 a member serving on the board immediately before September 1, 2003,  
27 to continue to serve and function as a member of the board for the

1 remainder of the member's term. Those changes in law apply only to  
2 a member appointed on or after September 1, 2003.

3 (b) Section 81.036, Government Code, as added by this Act,  
4 applies only to a complaint filed with the State Bar of Texas on or  
5 after the effective date of this Act, regardless of whether the  
6 conduct or act that is the subject of the complaint occurred or was  
7 committed before, on, or after the effective date of this Act.

8 (c) Section 81.054, Government Code, as amended by this Act,  
9 applies to membership fees for renewal of a membership in the State  
10 Bar of Texas that become due on or after the effective date of this  
11 Act. Membership fees for renewal of a membership that became due  
12 before the effective date of this Act are governed by the law in  
13 effect on the date the membership fees became due, and the former  
14 law is continued in effect for that purpose.

15 (d) Section 81.072, Government Code, as amended by this Act,  
16 and Sections 81.073, 81.074, 81.075, 81.0751, 81.0752, and 81.0753,  
17 Government Code, as added by this Act, apply to a grievance filed on  
18 or after the effective date of this Act, regardless of whether the  
19 conduct or act that is the subject of the grievance occurred before,  
20 on, or after the effective date of this Act. A grievance filed  
21 before the effective date of this Act is governed by the law in  
22 effect on the date the grievance was filed, and the former law is  
23 continued in effect for that purpose.

24 SECTION 22. This Act takes effect September 1, 2003.