

- SUBJECT:** Allowing for the volunteer practice of law by an inactive attorney
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Smithee, Gutierrez, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield
- 0 nays
- 1 absent — Farrar
- WITNESSES:** For — Alberto Mesta, Poverty Law Section of the State Bar of Texas; Patricia McAllister, Texas Access to Justice Commission; Beeral Gupta; (*Registered, but did not testify:* Randall Chapman, Texas Legal Services Center)
- Against — None
- BACKGROUND:** Government Code, sec. 81.052(b) allows an active member of the State Bar of Texas to request inactive status. Sec. 81.053(a) prohibits an inactive member from practicing law in this state.
- DIGEST:** HB 1020 would allow the Texas Supreme Court to issue rules permitting inactive members of the State Bar of Texas to perform volunteer legal work.
- The bill would take effect September 1, 2017.
- SUPPORTERS SAY:** HB 1020 would expand the pool of attorneys available to perform legal aid work. The demand for legal aid services currently exceeds the capacity of available attorneys. This bill would help more individuals obtain just, speedy resolutions to their legal problems by allowing the Texas Supreme Court to promulgate rules for volunteer practice.
- As part of its rule-making authority, the Supreme Court would ensure the public was protected and provided qualified legal representation.

Volunteer inactive attorneys would be held to the same ethical and legal standards as any other member of the bar.

An attorney with inactive status remains eligible for active membership, but inactive status is frequently claimed when an attorney retires. These individuals have a wealth of knowledge and experience that would make them valuable resources in the underserved legal aid sector.

Attorneys also sometimes request inactive status to focus on family responsibilities, such as taking care of a newborn or an elderly or infirm family member. This bill would allow them to stay involved in the legal sector while also serving their communities, allowing for smoother potential reentry.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

A companion bill, SB 435 by Rodríguez, was referred to the Senate State Affairs Committee on February 6.