

BILL ANALYSIS

Senate Research Center
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S.B. 1476
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The primary purpose and impact of amending Section 81.113 (Continuing Legal Education), Government Code, is to exempt full-time attorneys employed by the executive branch from the state's current mandatory continuing legal education (CLE) requirements.

The 72nd Legislature exempted full-time attorneys of the legislative branch from the CLE requirement. Attorneys in the legislative branch are exempt from CLE requirements, and these lawyers are not considered "ill-informed" or "uneducated" by the community.

Executive branch attorneys are often instrumental in the administration and enforcement of state law, the implementation of various provisions of state and federal law, and the crafting of regulatory requirements through agency rulemaking proceedings and declarations of agency policies. Accordingly, by virtue of their jobs, they are already well-versed in many aspects of state and federal law (including and in particular, those areas affecting their agencies or areas of expertise).

Exempting executive branch employees from these requirements will save money for the state. If implemented, this change would save the Office of the Attorney General alone in excess of \$400,000 per biennium. The overall fiscal impact to the state would obviously be higher if other executive branch agency lawyers were included in this exemption. These are savings that could be achieved without any staffing reductions or without affecting any agency's core functions.

In addition to saving money, this exemption will result in increased efficiencies by redirecting attorneys and their time (the equivalent of almost two working days) away from continuing legal education courses and toward representing the State of Texas (and its boards, agencies, or commissions). This exemption would not apply to ethics training, so any current requirement that executive branch attorneys attend ethics training would remain intact.

As proposed, S.B. 1476 amends current law relating to the minimum continuing legal education requirements for an attorney employed in the executive branch of state government.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 81.113(a), Government Code, to require the state bar, except as provided by Subsection (b) (relating to a requirement to meet continuing legal education requirements in legal ethics or professional responsibility), to credit an attorney licensed in this state with meeting the minimum continuing legal education requirements of the state bar for a reporting year if during the reporting year the attorney is employed full-time as an attorney by certain entities, including a board, commission, department, agency, office, or other entity in the executive branch of this state's government.

SECTION 2. Makes application of the change in law made by this Act prospective to a continuing legal education compliance year that ends on or after September 1, 2012.

SECTION 3. Effective date: September 1, 2011.