

## **BILL ANALYSIS**

Senate Research Center  
85R2380 DMS-F

H.B. 1020  
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State Affairs  
4/27/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since 1988, the State Bar of Texas' (state bar) Emeritus Attorney Participation Pro Bono Program (program) has allowed retired lawyers in good standing with the state bar to do pro bono work through Supreme Court of Texas-approved legal services organizations. The goal of the program is to increase the pool of pro bono attorneys in Texas. However, by limiting the program to retired attorneys, the program excludes a larger pool of attorneys who are inactive for other reasons, such as caregiving responsibilities. Attorneys who choose to go on inactive status are not permitted to participate in the program because the Texas Government Code prohibits inactive attorneys from practicing law in the state.

In large part because of this limitation, according to the Texas Access to Justice Commission, very few attorneys—approximately 20 total—have ever participated in the program since its inception, and there were no attorneys participating in the program as of late 2016. Observers say many inactive attorneys have expressed a desire to do pro bono work, which allows them to perform a public service while maintaining their legal skills.

S.B. 435 increases the pool of available pro bono attorneys by amending Chapter 81.053(a), Government Code, to allow the Texas Supreme Court (supreme court) to promulgate rules permitting inactive members of the state bar to practice law for the sole purpose of providing pro bono legal services.

S.B. 435 does not change any requirements of the program, which is governed by Article XIII of the State Bar Rules promulgated by the supreme court.

As proposed, S.B. 435 amends current law relating to volunteer practice by an inactive member of the State Bar of Texas.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to Texas Supreme Court in SECTION 1 (Section 81.053, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 81.053(a), Government Code, as follows:

- (a) Prohibits an inactive member from practicing law in this state, except as provided by rule promulgated by the Texas Supreme Court for volunteer practice, and prohibits the inactive member from holding an office in the state bar or voting in any election conducted by the state bar. Makes a nonsubstantive change.

SECTION 2. Effective date: September 1, 2017.