

Supreme Court of Texas

Misc. Docket No. 21-9122

Order Amending Articles I and II of the State Bar Rules

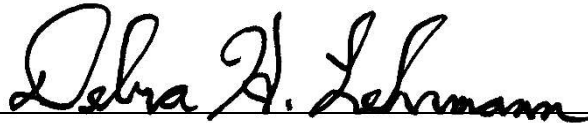
ORDERED that:

1. On September 30, 2021, the State Bar of Texas submitted a Petition for Order to Amend the State Bar Rules (“Petition”). The Petition is attached as Exhibit 1 to this Order.
2. Articles I and II of the State Bar Rules are amended as set forth in this Order.
3. The amendments are effective immediately.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature;
and
 - d. submit a copy of this Order for publication in the *Texas Register*.

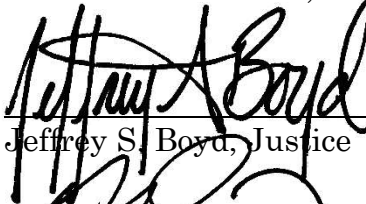
Dated: October 12, 2021.



Nathan L. Hecht, Chief Justice



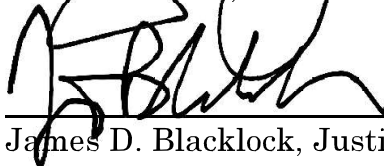
Debra H. Lehrmann, Justice



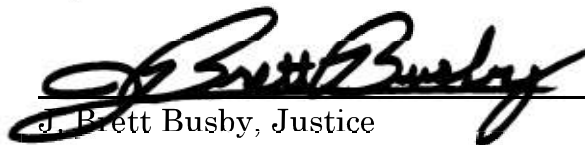
Jeffrey S. Boyd, Justice



John P. Devine, Justice




James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice

ARTICLE I DEFINITIONS

The following words shall have the meaning set out below, unless a different meaning is apparent from the context:

13. **“Member”** means a ~~member of the State Bar of Texas~~person licensed to practice law in Texas. See TEX. GOV'T CODE § 81.051(a).

14. **“Enrollment”** means the act of registering with the Clerk as a person licensed to practice law in Texas. See TEX. GOV'T CODE § 81.051(b).

ARTICLE II GENERAL PROVISIONS

Section 13. Spokesman for the Bar

The president of the State Bar or, in the absence of the president, the president-elect, shall be the public representative of the State Bar and shall enunciate the policies of the State Bar as promulgated by the board, except that the Board or the president may delegate such authority under such conditions as the board may prescribe. The board may authorize sections and committees, and those properly authorized by such sections and committees, to publicly represent the views of a section or committee. In no event shall a public representative of the State Bar or its sections or committees purport to speak on behalf of all State Bar members or to represent that all State Bar members support the message that the representative is conveying.

EXHIBIT 1

IN THE SUPREME COURT OF TEXAS

IN RE: PETITION OF THE §
STATE BAR OF TEXAS § MISC. DOCKET NO. _____
FOR ORDER AMENDING §
STATE BAR RULES §

PETITION FOR ORDER
TO AMEND THE STATE BAR RULES

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF SAID COURT:

COMES NOW the State Bar of Texas (“Petitioner”) and respectfully petitions this Court for an Order amending Articles I and II of the State Bar Rules.

In support thereof, Petitioner would show:

I.

In response to *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021), Petitioner’s Board of Directors (“Board of Directors”), during its regularly called meeting on September 24, 2021, at which meeting a quorum was present, resolved by a majority vote to approve the proposed amendments to the State Bar Rules set forth in Exhibit “A.”

II.

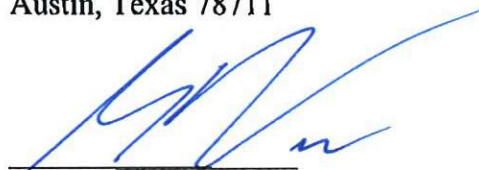
The proposed amendments: (1) clarify the definition of “Member;” (2) add a definition for “Enrollment;” and (3) specifically provide that, “In no event shall a public representative of the State Bar or its sections or committees purport to speak on behalf of all State Bar members or to represent that all State Bar members support the message that the representative is conveying.”

WHEREFORE, Petitioner respectfully requests the Court adopt the proposed amendments to Articles I and II of the State Bar Rules as set out in Exhibit "A," effective immediately, and to further order that the amendments be published in the *Texas Bar Journal*.

Respectfully submitted,



Trey Apffel
Executive Director
State Bar of Texas
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Santos Vargas
Chair of the Board of Directors
State Bar of Texas
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EXHIBIT A

**Proposed Amendments to the State Bar Rules
As Approved by the State Bar of Texas Board of Directors
At its September 24, 2021, Meeting**

- Art. I, § 13: “**Member**’ means a person licensed to practice law in Texas ~~a member of the State Bar of Texas~~. See Tex. Gov’t Code Ann. § 81.051(a).”
- Add a new § 14 to Art. I: “**Enrollment**’ means the act of registering with the Clerk as a person licensed to practice law in Texas. See Tex. Gov’t Code Ann. § 81.051(b).”
- Add at the end of Art. II, § 13 (“Spokesman for the Bar”): “In no event shall a public representative of the State Bar or its sections or committees purport to speak on behalf of all State Bar members or to represent that all State Bar members support the message that the representative is conveying.”