

Debbie G. Asbury
1711 Lone Oak Rd.
New Braunfels, TX 78132

Honorable Ken Paxton, Attorney General of Texas
Attn: Opinion Committee
Opinion.committee@oag.texas.gov

Sent by Email & Priority Mail
February 19th, 2019

Re: Request for A.G. Opinion, January 22, 2019 from Joe K. Longley, 2018-19 State Bar of TX (SBOT) President: Is it Constitutional to require SBOT Members to pay compulsory Dues?¹

Dear Attorney General Paxton:

Please accept this letter as a briefing on the above-noted, request for an A.G. Opinion. As a member of general public who has long studied SBOT's programs and policies, I assert that a judicious *Opinion must declare* that it is unconstitutional to force law professionals to join and pay Mandatory Dues to a trade association which has not served its primary purpose to:

"assist the Supreme Court in its exercise of the judicial department's power under the Texas Constitution to regulate the practice of law in Tx and thus unify all functions necessary to assure access to the legal system and to improve delivery of legal services to the public"²

Falsely assuming "*authority*" from **The Supreme Court** to impose unlawful policies, SBOT:

•**mismanages the Lawyers' Disciplinary System** by promulgation of an illegal "process" that denies and dismisses Grievances omitting **Due Process of Law**, i.e., *without the presence of the Complainant or Respondent, a fair hearing or a neutral judge and with no disciplinary consequences,*

•**inhibits Members First Amendment Rights** (e.g., free speech, freedom of association) by requiring compulsory dues for indefensible programs that are not within regulatory functions.

I. SBOT's Mismanagement of the Lawyers' Disciplinary System.

Nobly purporting programs and policies that "*protect the public from lawyer misconduct;*" by culling lawyers with the Grievance system: in fact, SBOT *conceals* Misconduct. SBOT protects TX lawyers from being fined, punished and disbarred by a corrupted Grievance System. Disgracefully, SBOT's officials and Supreme Court appointees have misconstrued that SBOT performs a welcome public relations service to TX lawyers by routinely *concealing* Lawyer Misconduct because, *without cover-up, no TX lawyers could possibly afford malpractice insurance.*

The Supreme Court of Tx, in Its' duty to provide oversight of the State Bar, (a "quasi-state agency,") has neglected to make full Public Disclosure that the entire 2018-2019 State Bar

¹ Marked RQ-0265-KP, File #ML-48487-19, I.D.# 48487

² <https://tshaonline.org/handbook/online/articles/jos02>

Membership (103,342 active members) has a huge, vested, financial interest in maintaining the dysfunctional SBOT Grievance System. Membership Privileges currently include:

- Denials/Dismissals/Expungements of Complainant's *valid* Grievances with no records kept, nor disciplinary consequences to Respondent Attorneys. SBOT, a public corporation functioning as a trade association, controls a dysfunctional Grievance System that is concealing misconduct of lawyers. Disgracefully, SBOT is deliberately in noncompliance with **The Supreme Court's Rules**.

- Access to malpractice insurance rates that are held dishonestly low due to SBOT's corruption. Tens of thousands of Grievance Complainants have been Denied and Dismissed Grievances with no explanation and no investigation, while SBOT Members' premiums for professional liability insurance are discounted due to a dysfunctional Grievance System's dishonesty. Insurance underwriters compute low premium rates using artificially deflated number of professional liability lawsuits. Attorneys who pay insurance premiums through *SBOT Member-owned companies*³ like the Texas Lawyers' Insurance Exchange (TLIE), benefit financially from *each* improperly denied and dismissed Grievance. For example, *TLIE has returned over \$54,300,000 in profits to its member insureds over the past 22 years.*⁴

A. Is it not unfair that TX lawyers who oppose having to pay Mandatory Dues to a public relations firm which mocks justice, irritates and embarrasses lawyers who attempt to work honorably, and is a discriminating purveyor of tyranny and condescension, must subjugate objections to SBOT or risk losing their license to earn a livelihood in their chosen profession?

SBOT's leadership is unable garner agreement among its varying factors. SBOT dictates are so unpopular Bar Members cannot even agree to vote on much needed changes. SBOT's Grievance System has become an indefensible public relations problem to lawyers that:

- summarily denies thousands of *valid* Grievance Complaints without even requiring a Respondent lawyer to read the "writing" or giving Complainants proper Appeal Notices.
- aloofly dismisses Complainants' losses of money, assets and Civil Rights as inconsequential.
- overtly mismanages Grievances; dictating unconstitutional "rules" which deny **Due Process**.

B. Is it not a blatant Conflict of Interest to Law and Justice that lawyers *must join* SBOT and *must pay* Mandatory Dues before they are awarded Bar Membership Cards and Law licenses?

³ "Texas Lawyers' Insurance Exchange is the tried and true source of reliable, responsibly priced legal malpractice insurance for Texas lawyers and judges.... TLIE began operations in 1979 under the sponsorship of the State Bar of Texas Insurance Trust at a time when Texas lawyers were having difficulty obtaining legal malpractice coverage at reasonable rates. Since that time, commercial carriers have come and gone from Texas, but TLIE has been a consistent and stable source of high quality professional legal malpractice liability coverage at financially responsible rates for Texas lawyers and judges." <http://www.tlie.org/about/>

⁴ Privately owned commercial carriers cannot offer such low rates because they cannot control outcome of SBOT's Grievance Process. SBOT is entrusted with Lawyer Discipline; therefore, in control of and responsible for the *fraudulently* low numbers of Disciplines that keep TLIE's rates low.

Problematically, SBOT also makes Final Decisions of Discipline for Lawyer Misconduct by processing Complaints, i.e. "writings," filed against lawyers by peers or nonattorney citizens in the Grievance Process. Conspicuously missing is constructive Lawyer Discipline. Review of the Grievance System results annually reveal SBOT's bias toward lawyers; the most obviously *valid* Grievances rarely lead to punishment/disbarment. For lawyers choosing to routinely malpractice, a Dues Paying SBOT Members' Bar Card is a steadfast license to be incompetent, steal, commit fraud, or malpractice without fear of any Lawyer Discipline/Disbarment.

C. Is it not a conflict to Lawyers' Oaths: "*to support the Constitutions of the United States, and of (this) State, to routinely deprive Grievance Complainants and Respondents of Due Process?*"⁵

By their persistent Noncompliance and Professional Misconduct (as defined in Texas Disciplinary Rules of Professional Conduct, [TDRPC]), SBOT officials and **Supreme Court** appointees have entirely obliterated a Complainant's and a Respondent Attorney's **Right to Due Process of Law** in the Dysfunctional Grievance System.⁶ To achieve "Processing Time Goals," SBOT purposely misconstrued Legislation (a change to the **State Bar Act [Texas Govt Code §81, e seq.] eff. 1/1/2004**) to routinely *deprive* Grievance Complainants and Respondent Attorneys of **Due Process of Law**.⁷

II. **SBOT inhibits First Amendment Rights**, requiring Members pay Mandatory Dues to support programs lawyers oppose due to conflict with discharge of duties to the public.

A. Is it equitable that SBOT's budget (**\$49,779,077**), collected from Mandatory Dues and public funds to "*protect from lawyer misconduct*," mainly goes to overpaid SBOT employees?⁸

⁵ The **Constitution** states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without **due process** of law"...

⁶ Debbie G. Asbury's Letter dated May 4th, 2016 to: The Honorable Nathan Hecht, Texas Supreme Court Chief Justice, RE: (1) Repeal of State Bar's Grievance Complainant-Adverse Changes (eff. 1/1/2004) (2) Immediate Suspension of Current Dysfunctional Attorney-Discipline System Until Transfer of Investigatory and Adjudicatory Function Can Be Made to an Entirely New Discipline System.

⁷ A "New Procedure" (eff. 1/1/2004) unconstitutionally deprives Complainants and Respondents' presence at Hearings. Respondents never even get a copy of 75-79% of denied and dismissed Grievance "writings" which are only (allegedly) read at intake but not investigated by Office of Chief Disciplinary (CDC) and/or Board of Disciplinary Appeals (BODA). Those "writings" are denied and dismissed with no explanation or proper Appeal Notice.

No matter how blatant the Misconduct of remaining Grievance Complaints, *most* are denied and dismissed by "(secret), anonymous CDC Panels." Grievance "writers" get no proper explanation, investigation or appeal notice. *There is no discipline to Respondent*. Complaint records are *expunged*. Another egregious "rule" of the Complainant-adverse Changes, eff. 1/1/2004, inflicted by SBOT indicates malice and discrimination against Complainants: those few whose Grievances were judged by "(secret) Panels" to rate an Evidentiary Hearing are *deprived of a Right to Appeal an adverse Evidentiary Hearing Decision*, in a blatantly, unconstitutional disregard of loss of money, property or Rights.

⁸ SBOT paid nearly a \$95,000 annual compensation package per Texas Bar employee. "The Texas Bar is apparently the most profitable not-for-profit state governmental entity in all of Texas." - Joe Longley (2018-2019 Bar President)

SBOT falsely purports to “*protect the public from lawyer misconduct,*” i.e., that programs, policies and politics are beneficial to SBOT’s 103,342 active members. In fact, SBOT is unable to outreach to its’ Membership which largely disregards SBOT and resents being forced to pay Mandatory Dues. SBOT paid its approximately 270 employees over \$19 million in salaries and \$6.6 million in benefits – over \$25 million in total in 2016. Much to the chagrin of SBOT’s Dues Paying Membership, remainder of SBOT’s surplus bounty is spent as though SBOT has an “authorization” to curtail services to “protect the public from lawyer Misconduct” in order to *cut Disciplinary Systems’ processing times* and run a social, *well-being association for lawyers*.

B. Is it reasonable for lawyers, required to adhere to **Texas Disciplinary Rules of Professional Conduct (TDRPC)**, endure Public Protection Division cash outlays (**\$10,549,251**) for a purpose of *concealing* their peers’ *repeated violations* of TDRPC without discipline?

SBOT’s Proposed 2017– 2018 General Fund Budget’s largest expenditure is for the Public Protection Division;⁹ = Chief Disciplinary Counsel **\$9,712,355** + Statewide Committees **\$229,880** +BODA **\$607,016** totaling **\$10,549,251**. Yet, by the Office of the Chief Disciplinary Counsel’s (CDC’s), Board of Disciplinary Appeals’ (BODA’s), Commission for Lawyer Disciplines’ (CLD’s), etc. accounts for years since 2004, as the number of active Bar members have *increased*, the number of disciplines determined annually and reported to **The Supreme Court of Texas** has *dramatically decreased*.

For many years, I, a nonattorney Grievance “writer,”¹⁰ and avid advocate for change to SBOT’s Attorney Disciplinary System, have researched corruption, wrote reports and presented documentation. By analyzing CDC’s, BODA’s and other SBOT reports to **The Supreme Court**, I have concluded that the dysfunctional SBOT Grievance System is disgraceful and requires replacement. My research and reports¹¹ can be found on my website, www.statfoundation.com.

–SBOT’s intentional falsification of data cannot be missed by the fact that while active, Dues Paying Members *increased* 30% from 2004 – 2015, SBOT’s obviously inaccurate, corresponding count of number of Disciplines for Misconduct is purported to have *decreased* by 31%.

–SBOT’s Grievance System, which is purported to “protect the public from Professional Misconduct,” reported that SBOT found only **1,410** of more than **87,881 active attorneys** were determined to require Discipline in years from 2011 to 2015 at a cost of **\$36,048,724**.

⁹https://www.texasbar.com/AM/Template.cfm?Section=Past_Issues&Template=/CM/ContentDisplay.cfm&ContentID=35932

¹⁰ Often, I have so many questions about the Grievance System by telephone and in letters, that I am unable to answer them all or even make a comment to Complainants. Although practicing attorneys who will express their frustrations in private with me agree that SBOT’s Grievance System is corrupt, very few TX attorneys will openly challenge SBOT’s officials or **Supreme Court** appointees for fear of retaliation, i.e., being disbarred or losing their Bar Card which gives them license to practice law.

¹¹ Documentation of statistics I use to reveal the corruption at SBOT can be found in my letter, dated May 4th, 2016 to Honorable Nathan Hecht, Texas Supreme Court, located on [statfoundation](http://statfoundation.com) home page.

—From 2011-2015, **27,417** Grievances were denied and dismissed, unresolved or suspended *with no discipline*. Only **1,082** Respondent attorneys of the Total **28,827** (including **1,410** disciplines noted just above) were found to require public discipline (which can affect malpractice insurance rates). However, to a “special” **328** Respondents, SBOT gave “*Private Discipline*,” to *protect* their favored Respondents’ Professional Misconduct from discovery.

—SBOT hands out summary denials and dismissals of Grievances, unapologetically; without explanation to the Complainant or provision of a Complainant’s Right to Appeal.

C. Is it a laudable mandate to request Dues for a Disciplinary System that *hides* evidence, *expunges* misconduct records and, *also*, requires that lawyers pledge to: “conduct (selves) with integrity and civility in dealing and communicating with the court and all parties?”

- 75% of Ttl (**28,827**) Grievances, i.e., “writings,” acknowledged as received from 2011-2015, have been denied and dismissed without explanation to Complainant or proper Notice of Right to Appeal, *and without a Respondent attorney even receiving the Grievance “writing” to read.*

- 17% of **28,827** have been determined to describe Professional Misconduct as defined in the TDRPC, just by CDC’s and BODA’s reading; but were subsequently denied and dismissed or “dispersed unresolved” – *without explanation to the Complainant, sufficient investigation, or proper Notice of Right to Appeal.* Most often, denials and dismissals occur by means of a “(secret) confidential *ex parte* CDC meeting *without the presence of the Complainant or Respondent, a fair hearing or a neutral judge and with no disciplinary consequence to the Respondent.*

- 92% of **28,827** “received” Grievances from 2011 – 2015, were unfairly denied and dismissed due to incompetence, corruption¹² and a “(secret) confidential code of SBOT.” Offensively, SBOT officials and **Supreme Court** appointees stoutly rely on an “*authorization*” from **The Supreme Court** to hide evidence in “Closed Files” and expunge records of attorney misconduct. In 92% of Grievances, judged by SBOT’s dysfunctional Grievance System as entirely inconsequential to the Respondent and, also, not to require an Evidentiary or District Court Hearing, Complainants are deprived of **Due Process of Law**; while CDC, BODA, CLD, etc. hide documents and evidences of Misconduct gathered by CDC, in sealed “(secret)” confidential Closed Files, purposely concealed from the Media.

- The remaining 8% of 28,827 “received” Grievances from 2011-2015 describe and document such heinous Professional Misconduct as to make the final cut to warrant placement on a roster for an Evidentiary Hearing. Due to Complainant-adverse changes to the Grievance System, eff 1/1/2004, SBOT deprived the important right of each Complainant to appeal an unjust Evidentiary Hearing decision no matter how much money or property has been lost or what kind of odious infringement on Civil Rights a Complainant has suffered due to the Respondent. Unfairly, a Respondent is allowed to appeal an adverse Evidentiary Hearing decision to BODA and to The Supreme Court.*

¹² It is most disconcerting that no one from SBOT or **The Supreme Court** has ever challenged my analysis, nor become concerned about such obvious corruption. No one is alarmed that Texans are burdened by *fraud and injustice*. Although I have asked that SBOT update my study since 2015, I have been told that the “computer system” still has “glitches” so that current statistics cannot be ascertained.

The burden of proof is placed upon any Grievance Complainant who suffers through the corrupt Grievance process and prevails against the Respondent and is, therefore, eligible to file an application for reimbursement from the Client Security Fund.¹³ Because SBOT seeks to conceal Dues Paying Bar Members' Misconduct from the Media, there is great difficulty in proving amounts that lawyer "stole or failed to return" or even accessing "confidential" data.

D. Is it constitutional to require compulsory dues to support costly programs and initiatives of a social (well-being) nature that lawyers cannot agree are inclusive in the areas of core competency, professionalism, public protection, and public service?

•SBOT reaches out to Members who are youthful (inexperienced) with Texas Young Lawyers Association (TYLA) and Texas Opportunity & Justice Incubator (TOJI), while eighty-eight percent of the Membership only begrudgingly watch as their hard-earned, Mandatory Dues (**\$927, 418** goes to support TYLA)¹⁴ go to the twelve percent of younger lawyers, as though such lawyer community-minded programs (to help homeless, elderly) have been proven to inspire law skills and collective adherence to regulatory purposes of **TDRP and TDRPC**.
•SBOT seeks out those who have mental or drug-and-alcohol related impairments.¹⁵ In a recent law review article, the former Chief Disciplinary Counsel Linda Acevedo's discusses the Grievance Referral Program, an SBOT budgeted program (**\$346,182**), which has a purpose of finding attorneys with drug and/or alcohol programs who have been determined in the Grievance System to have violated "minor" Disciplinary Rules. If Respondent qualifies and agrees to the program, SBOT will pay for rehabilitation expenses. If the Grievance Referral Program terms are completed in a timely manner, the underlying Grievance will be *dismissed*¹⁶ leaving the Complainant/Plaintiff without recourse as the Misconduct record is expunged. The Respondent can return to practice. Prospective clients will be unaware of the Grievance.

A new Disciplinary Counsel, Seanna Willing, will certainly continue in the footsteps of her predecessor, purporting that Complainants are protected from Misconduct by SBOT helping lawyers get clean and sober and related social work.¹⁷ While lawyers may be spared

¹³ A sum, **\$300,000**, from SBOT's 2017-2018 Proposed General Budget is annotated as a "Client Security Fund." In the unlikelihood that a Grievance results in Discipline, the fund can make reimbursement but only if it can be proven that the lawyer stole the client's money or failed to refund an unearned fee. https://www.texasbar.com/AM/Template.cfm?Section=Client_Security_Fund1&Template=/CM/HTMLDisplay.cfm&ContentID=41945

¹⁴ The proposed budget for TYLA in 2019-2020 is **\$1,010,999**. See SBOT President Joe K. Longley's January 22, 2019 letter to Honorable Ken Paxton, Attorney General of Texas.

¹⁵ Linda Acevedo, *Grievance Referral Program: How the Texas Chief Disciplinary Counsel's Office is Helping Lawyers Help Themselves*, 76 Tex. B.J. 521 (2013)

¹⁶ TEXAS RULES OF DISCIPLINARY PROCEDURE (TDRP) PART XVI. GRIEVANCE REFERRAL PROGRAM

¹⁷ <https://www.law.com/texaslawyer/2019/01/23/state-bar-of-texas-board-selects-new-chief-disciplinary-> "Willing, who could assume her new responsibilities as early as the first week in March, said her focus as chief disciplinary counsel will be similar to what it was at the judicial conduct commission. "You do it with an eye toward protecting the public and also improving the profession," Willing said her focus also will include trying to help with mental health issues in the legal community. "There have been too many suicides."

grief and hardship by such “*feel good*” initiatives, others contend that such programs and policies are not the domain of a Disciplinary System; nor within regulatory functions of SBOT.

E. Is it prudent to direct a Disciplinary System in which Respondents have the option *not to participate* but can *volunteer* to meet with Complainants to “*mediate*” a Grievance dispute,” *although CDC and BODA have already denied and dismissed Grievances as inconsequential?* **Imagine the outrage each time CDC proposes a voluntary “self help” program instead of needed discipline.**

The Client Attorney Assistance Program, CAAP, *in lieu of Discipline* is a disgrace that has no place in a Disciplinary System, intended to “**protect the public from Misconduct.**” Complainants whose *valid* Grievances are denied and dismissed are commanded to “help themselves” by conferencing with the Respondent about violations to the **TDRPC**, *if the Respondent “volunteers” to show up.*

Since 1/1/2004, CDC and BODA have maladministered a Grievance System that is purported to be a “Self-Help” process. Yet, CDC and BODA do not use **TDRPC** to describe professional misconduct but employ a “playbook” which contains “unwritten exceptions” to the classification rules that have no basis under Texas law. “Unwritten exceptions” are despicably changed by CDC on a “case-by-case basis.”

As previously discussed, 92% of all Grievances are denied and dismissed by CDC and/or BODA. CAAP “self-help” (costing **\$572,585**) is proposed by CDC, BODA and Summary Disposition Panels¹⁸ *throughout the Grievance/ disciplinary process.* All denials and dismissals are mandatorily referred to a *voluntary mediation and dispute procedure* on standard SBOT denial letters which contend, *in lieu of an Appeal*, the Complainant¹⁹ can have CAAP, “mediate the dispute” in a face-to-face conference with the offensive Respondent, if he/she will appear *voluntarily.* *It is reprehensible to suggest that Complainants must use CDC’s “self-help” to aid in describing to the Respondent that he/she has violated the TDRPC and deserves discipline.*

Background

A. *Janus* forbids compelled speech in the form of government-mandated financial support to private organizations. SBOT, a unified bar, is squarely in the cross-hairs.

¹⁸ Statewide Committees established as a result of SBOT’s Grievance Complaint Changes, (eff. 1/1/2004) for the purpose of “*reducing processing time.*” Eradicating **Due Process**, i.e., *without the presence of the Complainant or Respondent, a fair hearing or a neutral judge and with no disciplinary consequences*, Summary Disposition Panels, composed of SBOT employees, are Complainant-adverse; established to determine that a finding of “just cause,” (Misconduct) can be disposed of without any consequences to the Dues Paying Bar Member by Grievance expungement from Respondent’s record.

¹⁹ The depths of how unprofessional and unethical SBOT has sunk to is illustrated in the Grievance Denial Notice received by Marc R. Stanley, a respected Dallas attorney on July 7th, 2014. CDC proposed that Mr. Stanley use CAAP to get more than **\$1,170,654** back from the Grievance Respondent. Inanelly, SBOT tenaciously held all the documents and evidences of the unexplained (and inexplicable) Denial and Dismissal of Mr. Stanley’s Grievance in a “(secret) confidential Closed File” while the gallant Complainant/attorney tried to engage **The Supreme Court** in the source of humiliation and despair that the SBOT Grievance System is to the profession of Law in Texas by presenting a well thought out **Petition for Administrative Relief** on September 29th, 2014.

Are the Texas Bar's demands for compulsory dues for "unified" Bar association membership now unlawful, in the wake of the following recent **Supreme Court** decision in *Janus v. AFSCME*, 138 S. Ct. 2448 (2018)? SBOT President Joe K. Longley's request for A.G. Opinion discusses the applicability of Janus to compel financial support of bar associations engaged in political activities, the subject of *Fleck v. Wetch*, an Eighth Circuit decision which the **Supreme Court** recently overturned "for reconsideration in light of Janus." President Longley poses a question of concern to all SBOT Members: Does it violate the **First Amendment** for state law to presume that Bar Members consent to subsidizing non-chargeable speech by the Bar group the lawyers are compelled to fund?

President Longley's letter, dated January 22, 2019, omits discussion of the potential decision²⁰ of whether *Keller v. State Bar of California* and *Lathrop v. Donohue* should be overruled insofar as they permit the state to force the petitioner to join a trade association he opposes as a condition of earning a living in his chosen profession. However, it is clear that the A.G.'s Opinion on the Issue of Mandatory Bar Dues can optimistically be the first step in tamping down common and prevalent corruption in SBOT Programs, Policies and Directives.

B. SBOT officials and **Supreme Court** appointees have disgraced, dishonored, and undignified the law profession by concentration of efforts on behalf of affordable malpractice insurance.

Clearly, TX lawyers have been encumbered by difficulties with SBOT's failure to serve the purpose of "protecting the public from lawyer misconduct" and the frustration that lawyers, failing to exuberantly support policies of SBOT's trade association/agency, are considered as renegades. Disgruntled lawyers are reticent to speak out publicly, fearing retaliation. Even when respected lawyers, for ex., Marc R. Stanley speak out, there is no change or result.

"The current dysfunctional state of the Texas attorney disciplinary system and its clear violations of this Court's procedural rules governing the attorney disciplinary system in Texas undermine the authority of this Court, the Administration of justice, and the respect of the public for the legal profession in Texas." (**Petition for Administrative Relief, September 29th, 2014, Marc R. Stanley.**)

Conclusion

The AG Opinion must carefully determine the matters relating to all Texas Citizens who deserve that our Civil Rights be handled by lawyers with integrity and that honorable judges preside in Courtroom in which justice prevails. The short-term solution to the long-term problem, i.e., a corrupt SBOT attorney disciplinary system exerts unethical power and control of Dues Paying SBOT Members, is to decide that compulsory Bar Dues are unconstitutional. Should that occur the "quasi-state agency," that has an offensive vested interest in *concealing* the prevalence of Misconduct among 103,342 active SBOT Members would be starved into extinction as the legions of *valid* Grievance Complaints can be transferred for investigation and adjudication to an entirely new Discipline System.

²⁰ <https://www.scotusblog.com/case-files/cases/fleck-v-wetch/>

▪**Mismanagement the Lawyers' Disciplinary System**, disgraced by the unconstitutional "process" that denies and dismisses Grievances, omitting **Due Process of Law**, i.e., *without the presence of the Complainant or Respondent, a fair hearing or a neutral judge and with no disciplinary consequences*, will quickly dissipate as a result; its' proponents will never be heard from again.

▪**Inhibition of Members First Amendment Rights** (e.g., free speech, freedom of association) by SBOT's requiring compulsory dues for indefensible programs that are not within regulatory functions, will be an issue no longer. Lawyers of any age or affiliation can join and pay dues to any non-profit agency they wish to. If a lawyer/peer has an obvious problem with alcohol or drugs that conflicts with his/her work as a lawyer, it will *certainly not be a matter that will be addressed by the government agency that determines licensing in his/her chosen field of law*. There are plenty of professionals whose medical and psychiatric services can be procured.

An AG Opinion, abolishing compulsory bar dues, would be a blessing for all who rely on an Organization with an honorable purpose to "**protect Citizens from Lawyer Misconduct.**"

Sincerely Yours,

Debbie G. Asbury
Advocate for Abolishing Compulsory State Bar Dues

cc: joe.longley@texasbar.cm

