

Written Comments Submitted to the
Texas Access to Justice Commission Access to Legal Services Working Group

[Contents](#)

Matias J. Adroque.....	3
Jon Anderson.....	3
Jerry Andrews.....	4
Matt Aulsbrook	5
Brandy M. Austin.....	5
Julie Balovich.....	7
Kristen Bell	9
Sharita Blacknall.....	10
Monica Garcia Bohuslav.....	11
Scott Brazil.....	12
Steve Bresnen	13
Guy Choate.....	14
Megan L. David.....	15
Chad H. Davis	16
Judson Daws.....	17
Daryl L. Derryberry.....	18
Chad W. Eaton	19
Michael R. Goldman.....	21
Osiris A. Gonzalez.....	22
James E. Girards	23
Shelly Greco	25
Rola Hart	26
Ed Hensley.....	27
Hon. Mark Hocker	27
Daniel Horowitz.....	28
Jason January	28
Kevin Johnson	29
Kathleen Kearney	30
L. Todd Kelly	31
Pete Kennedy	32

John T. Kirtley, III.....	34
Richard LaVallo.....	35
Myles Lenz.....	36
UA Lewis.....	37
Sam A. Maida.....	37
Christina E. Mancuso.....	38
Tanja K. Martini.....	39
Matthew Masek.....	41
Griffin T. McMillin.....	43
Cole D. McNiel.....	44
Jennifer Montemayor.....	45
Rachel E. Montes.....	46
Ja'Mesha L. Morgan.....	47
Kaitlyn Moreno.....	48
Jill Campbell Penn.....	50
Robert Ray.....	51
Ryan C. Runkle.....	52
Mohammad Said.....	53
Elizabeth Sanford.....	54
John W. Shaw.....	54
Charles E. Soechting, Jr.....	56
Gerald M. Thomas.....	57
John L. Thompson.....	58
Charles A. Whittier.....	59
Martin Woodward.....	60
Maria Wormington.....	60
Frontline Justice.....	62
Institute for the Advancement of the American Legal System.....	68
North Carolina Justice for All Project.....	73
Texas Lawyers for Children.....	115
Texas Watch.....	118

The comments contained within this report reflect the written comments submitted to the Access to Legal Services Working Group of the Texas Access to Justice Commission for consideration at the December 15, 2023 meeting. Many of these comments were submitted via email to the Commission's public email address, while others were sent to individuals associated with the Commission and/or Working Group. A minority of substantive comments were submitted on an online form designed for the public to sign up to attend and speak at the Commission's December 15th meeting. The comments that were made verbally at that meeting are not contained in this report, but instead are available in the Commission's minutes and in the public recording of the meeting.

Matias J. Adroque
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[comments made in sign-up form for attending public meeting]

As an experienced trial lawyer, I am against Nonlawyer Ownership of Law firms. This will destroy our noble profession. Every Texas lawyer should be obligated to provide 5-10 hours of pro bono work to difference organizations. These hours could replace a portion of the CLE hours required. We can have the locals bars compete against each other - Houston v. Dallas on how many hours or clients we help pro bono and have a right to a Lady Justice Trophy. We as lawyers have a moral, ethical, spiritual and religious (whichever religion you want) to help those in need. The legal business now is dirty enough, if we legally allow nonlawyers into our profession it will be a mockery of our profession. Read the Spanish Newspaper - La Subasta - it is full of lawyers and NONlawyers - notaries acting like lawyers. There is so much going on now that is killing our profession. There are enough lawyer jokes and insults, let's work together to show Texas and the other professionals how to give back to those who need it.

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I agree wholeheartedly with Mr. Brazil's concerns.

Jerry Andrews

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Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This is merely a money-grab for the likes of Wall Street investors and mega corporations like Wal-Mart, that is hidden under a problem that it isn't actually going to fix.

Affordability of legal services, for low-income individuals, can be a problem, but the solution should not come with a price tag that would eventually severely weaken the entire legal system in Texas.

Resources for low income folks are available through NON-PROFIT organizations. There is NO "crisis" in the civil justice system and the use of scare tactics should arouse the suspicion of intelligent individuals. There is no evidence whatsoever that the public is losing confidence in the civil justice system. Another scare tactic commonly used by those without factual support for what they want.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Contrast the lawyers' duty of client loyalty with business entities that by definition must make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is antithetical to a lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. One cannot scheme away or disclose away the inherent conflicts of interest that are structural in a non-attorney ownership of law firms. "Minimizing" the problem of the loss of attorney duty of loyalty to clients is not good enough – there must be absolutely NO concern about attorney independence. By definition, this is impossible when non-attorneys own law firms.

Please consider why an entity whose sole purpose is to maximize profits would want to be the provider of legal services to people who cannot afford legal services. This is an obvious loss leader strategy designed to get the camel's nose under the tent so that corporations can take over the practice of law in general and squeeze law firms out of the market. That's a simple task for publicly traded companies with market capitalization of many billions; merely undercharge for legal services and break the backs of law firms until you control the market. When that is accomplished, one is free to charge any amount for services, without competition.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes.

There is no evidence that non-attorney owned law firms has resulted in better legal services for the poor in the few states who have been taken in by this hoodwink effort of big business to take over the role of law firms. Without solid evidence of this claim, it would be fool hardy to experiment on the citizens of Texas with an unproven scheme.

There is a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

[Matt Aulsbrook](#)

Aulsbrook Law Firm, PLLC

I'd like to voice my opposition to non attorney firm ownership in Texas.

I understand the intent to provide access to justice for lower income individuals. However, I think corporate greed will actually happen.

I have personally had a nonattorney owned firm in Arizona reach out to me. They are signing up Texas personal injury cases and wanting Texas firms to work up the cases and for their firm to take 50% of the fee. I did not entertain their offer. I don't think this is an example of what Arizona envisioned when they opened up nonattorney ownership.

I'm strongly opposed to nonattorney firm ownership and I hope my example helps articulate my reason.

[Brandy M. Austin](#)

Brandy Austin Law Firm, PLLC

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Dear Sirs/Madams and Hon. Justice Busby:

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Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

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Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Julie Balovich

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Dear Access to Justice Commission:

Please accept this letter as **public comment** on the above report and recommendation. I am unable to attend the meeting because I have a mediation that was already scheduled before I received notice of the meeting. I suspect a lot of folks who care about this issue will also not be able to attend. Hopefully they will speak up.

I reviewed the October 24, 2022, letter from Justice Busby to Chairwoman Miers and the Report and Recommendation. I appreciate the hard work that went into studying and preparing the recommendations. But the idea of improving access to justice by opening up representation of poor folks by non-lawyers is the wrong way for us as a profession. It creates two tiers of justice. It is very likely to hurt the folks you are trying to help.

Licensing paraprofessionals is a fine idea but they need to be supervised by attorneys if they are providing direct services. I read the comments of the stakeholders: they were all on target. The one thing that was not noted is that few folks will meet the criteria the recommendations anticipate can be assisted without attorney supervision in family law. When I started working at legal aid in the early 2000s, we conducted assisted pro se clinics for family law applicants whose cases met the criteria set forth for paraprofessionals to provide direct representation without attorney supervision: uncontested defaults or agreed; no children; no significant property. We had to open up the clinics to folks with agreed SAPCRs and agreed property distributions in order to get enough folks to make the clinics worthwhile to conduct. And that of course required more attorney resources to ensure things were done correctly. But it was worth doing because the point of the assisted pro se clinics was to help more people. In other words, **the justice gap did not exist for uncontested simple cases; it was for contested and cases involving children and property.** If the cases are truly uncontested and there are no children and property, and the folks are under 200%, the resources exist.

Divorces are critically important for folks who are low income often is economic security; they need clean title; they need financial support for their children; they need to provide for new partners and establish paternity and support for children outside the marriage. When folks are not able to get divorced, it creates economic problems for them (in addition to potential personal strife). Access to justice efforts would make the biggest impact for low-income people who have children and property and need divorces, *but they cannot be served by non-attorneys or folks not supervised by attorneys*: the potential harm if done incorrectly is too significant.

Paraprofessionals may provide quantifiably more services but allowing them to provide direct representation in “uncontested” cases without attorney supervision is likely to create situations where assets are misrepresented, assets are not fairly divided, or title problems are created because there is no one to properly police eligibility for services. *In other words, people are going to say their*

case is uncontested because that is the only way to get help. You simply cannot entrust oversight to the persons who have a financial incentive to handle these cases.

The probate and estate issues are equally concerning. Low-income folks may have means-tested public benefits which can be impacted by transfers of assets. To improve access to justice for people under 200% of the federal poverty guidelines, the person preparing these documents must not only be supervised by an attorney but should be supervised by an attorney with knowledge of these public benefits, government subsidies, and how they can be impacted by these conveyances. In other words, this is an example where letting paraprofessionals go it alone might help more people access documents, but it could be harmful without appropriate oversight. JBCC cannot provide this oversight. Even within legal aid organizations, this is an area of specialized knowledge.

Also, it is important to remember that with things filed in court, people are testifying under oath and there are implications of making false statements under oath. We should be uncomfortable delegating advising people on testifying in court to nonlawyers.

Regarding consumer debt, this is also something that an attorney should supervise especially when you are working with low income folks who may be judgment proof, or who may need help with understanding the implications of an agreed judgment (something that debt plaintiffs often seek as a type of settlement). Also, I am not sure what an uncontested consumer debt case is; if a debt case has to go to court, it is because someone has not paid their debt.

To summarize: licensing paraprofessionals would be helpful but to ensure they are expanding access to justice, they should be employed by legal aids or other entities that are restricted to this client population and supervised by lawyers.

I have none of the same concerns about the community justice worker proposal; I think it is a fabulous idea. Importantly comes with the safeguards that the paraprofessional licensure recommendations do not have.

It is hard for me to conceptualize how non-attorney ownership of legal services firms will increase access to justice for the poor, but perhaps that is where a pilot program would be helpful.

Many thanks for your hard work. I worked in legal services for 21 years. I am now a solo practitioner in a rural community and I remain deeply committed to access to justice. My concern here is not about competition; we need more lawyers and legal services in underserved areas. My least favorite kind of legal work is fixing things that were done improperly by notaries and individuals who went it alone who perhaps would have hired a lawyer in the first place if legal fees were more affordable. Unfortunately I see the recommendation for nonsupervised paraprofessionals as creating more of these problems, not fewer.

Sincerely,


Julie M. Balovich

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Dear Mr. Lavallo,

I hope this email finds you well. Barbara Elias-Perciful, Beecher Threatt, and I all reviewed the Rules and Recommendations of the Legal Access Working Group, and we are still concerned that some of the family law provisions could be interpreted to include CPS cases. This is because suits under Title V that involve "standard conservatorship provisions" could include CPS cases. In addition, there can be cases with "standard possession schedules" where CPS is also involved. Also, when looking at the response of Judge April Probst, included in the comments section of the Appendix of the Report (p.13 of the comments section), she also questions whether or not child welfare cases would be included. Since this seems to be vague to some legal professionals with experience practicing in this area, we kindly request that the group writing the scope of representation revisit this language.

We believe it is not the intent of the group to include CPS cases, as children and some parents have statutory rights to counsel and constitutional rights in these cases. We would like to ask that the Rules include explicit exemptions where CPS cases are involved, and that the Rules state a non-attorney can never provide services to a child in a suit affecting a parent-child relationship. Because these rights are so important, we ask that the working group ensures that there can be no misunderstanding about the need for children and indigent parents to have representation by licensed attorneys in suits affecting the parent-child relationship.

We have attached our written comments, which we submitted to the Access to Justice Foundation yesterday. I also wanted to share this with Jonathan Bates, who spoke on behalf of the group writing the family law recommendations, but I do not have his email address. If you feel it would be helpful, we would appreciate you forwarding this information on to him.

Thank you very much for your consideration of this issue. Please let us know if you would like to discuss.

Sharita Blacknall
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Dear Honorable Members of the Texas Access to Justice Commission and Hon. Justice Brett Busby,

I am writing to express my strong opposition to the proposal allowing non-attorney ownership of law firms in Texas. This concept, in my opinion, poses significant risks and is primarily a financial opportunity for large investors rather than a solution to the accessibility of legal services.

While I acknowledge the challenges in making legal services affordable for low-income individuals, the proposed approach could potentially undermine the integrity of our legal system. Non-profit organizations currently play a vital role in offering legal aid to those in need, and this system, though not without its challenges, does not constitute a crisis in our civil justice system. Public confidence in this system remains robust, contrary to the perception of some.

As attorneys, our primary duty is to our clients, fulfilling our fiduciary responsibilities with utmost dedication. Introducing non-attorney ownership into law firms creates a conflict with this duty, as business entities inherently aim to maximize profits for their owners or shareholders. This model is fundamentally at odds with the ethical practice of law, and no regulatory measures or disclosures can adequately address the resulting conflicts of interest.

Furthermore, the introduction of "paraprofessionals" does not equate to the expertise of fully trained attorneys. The complexity of our legal system demands the comprehensive education and skills that only licensed lawyers possess, regardless of any imposed regulations on paraprofessionals.

Implementing this proposal would also necessitate additional bureaucratic structures, raising questions about the financial implications, especially considering the current budget constraints in Texas. This could lead to increased taxation, ultimately serving the interests of a few rather than the broader public.

In conclusion, I believe that the proposed changes could lead to a situation where, as Justice Learned Hand once observed, "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice." I urge the Commission to reconsider these proposals in light of these concerns.

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Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

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Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Scott Brazil

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Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. Hedge fund owners, insurance industry leaders and other wealthy business tycoons would certainly love the opportunity to own law firms. This ownership would further tilt the already uneven playing field in their favor. The 7th Amendment to the U.S. Constitution would be eviscerated by allowing the proverbial fox into the hen house. These corporations already control much of the legislation and the firms that represent them. Permitting them to own their competition will destroy even the semblance of balance in our legal system.

Businesses make money for themselves. That is their nature. The fiduciary nature of our profession sets us apart from that profit-motivated system. Do we enjoy making money? Sure we do. However, our professional ethics prohibit us from doing so at the expense of our clients. Corporate ownership will simply tear that system down, destroying good, well-intentioned lawyers, and their multitude of clients in the wake.

Ethical rules will not matter nor be applicable to them as they pressure the plaintiff attorneys in personal injury cases to resolve a case for less, because they also own the defendant corporation? Or perhaps they simply deny representation of these people who desperately need representation because the target defendant is an ally or subsidiary of the company whose bottom line is about to be affected if the legal representation is competent. When these powerful corporations actually own the lawyers, we will devolve into lawlessness. The concept of non-lawyer ownership of law firms flies directly in the face of what this commission sets forth as its goal of providing access to justice for those who cannot otherwise get it. This proposal slams that door shut!

And who is served by allowing non-lawyers to represent the poor? I submit that only the wealthy gain this advantage. Do you think that Wal-Mart or JP Morgan will combat these para-professionals with anyone who did not graduate from an accredited law school, pass a state bar examination, keep current with their CLE requirements, and bear professional responsibility (and consequences) for their failures. It would be folly to think so. This "representation" would be mere window dressing on a broken system. It would further victimize the voiceless. We practice a noble profession. Please keep it noble.

This course of action will have attorneys asking their corporate overseers for permission every single time we want to hold one of them accountable to the law. No longer will justice be a right, but a favor meted out by the corporate overseers of our nation.

This proposal is bad for everyone except big business. I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe.

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Steve Bresnen

Bresnen Associates

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Re: Texas Family Law Foundation Comments: Non-Layer Organization ("NLO") Provision of Legal Services Recommended in the "Report and Recommendations of the Texas Access to Legal Services Working Group" dated December 5, 2023

Dear Chair Miers:

These comments are submitted on behalf of the Texas Family Law Foundation (the "Foundation"), which we represent. The Foundation is a volunteer organization of hundreds of attorneys who provide family law services to clients all over Texas.

The Foundation has monitored the activities of the Working Group, reviewed its recommendations and analyzed the comments of the Future of Family Law Committee of the Texas Family Law Council, the governing body of the Family Law Section of the State Bar of Texas, which is also a volunteer organization.

The Foundation opposes the Working Group's recommendations regarding NLO-provided legal services for many of the same reasons the proposals are opposed by the Future of Family Law Committee. In addition, the Foundation has serious doubts that the NLO proposals can be enacted by the Texas Supreme Court acting without the approval of the Legislature. The proposals appear to mirror the regulatory processes applicable to other entities regulated by the Judicial Branch Certification Commission (JBCC) but the Working Group's report fails to acknowledge that numerous statutes give the JBCC its jurisdiction to license and sanction those other professions or explain the legal basis for enacting the proposals without legislation.

We appreciate the opportunity to comment on the Working Group proposals.

Sincerely,



Attorney at Law

[Guy Choate](#)

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I oppose the imposition in Texas of non attorney ownership of law firms. The concept is inconsistent with our fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. Business entities are by definition established to make a profit. In fact, to make the largest profit possible. These entities are not moral or immoral, they are amoral. They have no duty, and we should expect them to have no duty save and except make profits for their owners. There is nothing wrong with that as that is their mission. It is up to us to craft laws that require businesses to observe legal requirements. That task is totally inconsistent with the obligations of a legal professional.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else. This process is proposed as a mechanism for providing legal aid to the poor and otherwise underserved. Obviously, being housed doesn't appear to be one of the important missions in this regard. All of that said, the effect will not be to expand aid to the poor, but to commence the process of making the practice of law a trade and no longer a profession.

Non Attorney ownership of law firms is about money. Plain and simple. If I believed for a second it would provide access to justice for the poor I could support it. That will not be the effect.

Megan L. David

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Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

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Chad H. Davis

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Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

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Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Judson Daws

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I am aware that a colleague of mine recently sent the below letter to you. I agree with his sentiments. For that reason, I am resending his letter to show opposition to the proposition of non-attorney owned law firms / paraprofessionals in Texas.

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

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Daryl L. Derryberry

BOARD CERTIFIED- PERSONAL INJURY TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
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Chad W. Eaton
Partner/Trial Attorney
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chade@rolleatonlaw.com

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Osiris A. Gonzalez

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James E. Girards

Girards Law Firm

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e jim@girardslaw.com

Dear Sirs/Madams and Hon. Justice Busby:

First, let me state that practicing law in general, and practicing Trial Law in Texas specifically, has been the greatest and most humbling honor of my lifetime. I was licensed in 1989 in Texas. I am licensed in two other states and have been involved with litigation in various places throughout the US. Texas trial lawyers are without question the most competent and professional lawyers in the country and always lead the other states with the level of courtesy, competence & professionalism they display every day.

With that background, let me say in the strongest possible manner that I oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea, if put into practice, will destroy the legal profession. It will open the door for venture capitalists to take over the practice of law similar to what has been happening in medicine. The practice of medicine is worse off because of that and the legal profession will be as well, if the current proposal is adopted. Business investors have no idea about, or interest in, maintaining the high standards of professionalism required to maintain public confidence, and practitioner competence, in legal representation for citizens of this state.

I spent 6-years on the District 6A Grievance Committee in Dallas in the past. I can assure you that the very last thing our profession needs is to be taken over by individuals or entities that feel little obligation to adhere to the highest of ethical standards in legal representation that we insist upon as a foundation

for the work we do. Licensed professionals make hard decisions every day navigating conflicts of interest, eg, knowing that making the correct decisions preserves their licensure and making wrong decisions endangers it. Business entities and non-lawyers will feel little to no obligation to making correct decisions in line with professional obligations and standards knowing that if they get caught or injure legal consumers they can move on to a different investment strategy in some other financially beneficial area of our economy.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas. While there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders. Texas lawyers should never be put in a position to please non-lawyer owners or non-lawyer shareholders when the demands of those persons or entities conflicts with the lawyers fiduciary duties to a client.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas. This is a much better solution than allowing non-lawyers to own law firms.

A colleague quotes a famous trial lawyer who once said, “Little people get little justice.” I agree that this is what will happen with the Commission’s proposals. If we are to maintain a minimally acceptable level of professionalism that the practice of law demands, the Commission’s proposals must be rejected.

Shelly Greco
Attorney at Law
American Board of Trial Advocates Member

Dear Sirs/Madams and Honorable Justice Busby:

I strongly oppose the proposed non-attorney ownership of law firms. This proposition puts us at the crossroads of deciding if the legal profession is going to continue to be a true profession with ethical and legal obligations primarily to our clients or merely a "legal business" with duties and obligations to shareholders, business investors, and/or the bottom line over our clients. Currently, it is our fiduciary duty to serve our clients best interests to the best of our abilities without obligations to anyone else and certainly not owners, investors or shareholder. I think it is imperative that we keep our fiduciary duty to our clients without creating conflicting business obligations.

As attorneys, we are the only profession given the privilege and responsibility to speak for others. I think it is important that we keep the integrity of the profession and not spit our ethical and legal obligations by involving hedge fund investors and other business investors thus making us just another business that happens to be involved in the legal process. We have seen this erosion already begin to occur as business folks have become more involved in law firms. This will also lead to more legal conglomerates, large firms, multi-national companies squeezing out the small law firms that are key to serving the very communities this proposal suggests it seeks to help. This proposed solution to a perceived problem, will only make the very problem in question worse.

There may be *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis". I respect and like Justice Busby and the work this board does; however, I am concerned you all are being led astray by forces that seek to infiltrate the legal profession and our judicial system. A focus on increasing non-profit organization involvement and resources would be a much better solution.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

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And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests. If there is money available to try to address the issue of low-income legal services, then I would ask that you work with the members of the bar and non-profits on how to best achieve

what we all desire to see - more accessible low-income legal services. Opening the flood gates to investors and businessmen and women, is NOT the way to do this.

I respectfully ask that you seek a better solution to the proposed problem. Offering our profession up to special interests, investors and large business is NOT the solution!

Rola Hart

Cooper Hart Leggiero & Whitehead

rola@chlwlaw.com

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It will become a money-grab for the likes of Wall Street investors.

If adopted, non-lawyer ownership of law firms will have a similar result to what happened to the dental industry over the last 20 years: a significant portion of dental practices in the United States went from being privately owned by dentists to now owned and operated by Wall Street investors under national brand names such as Aspen Dental and others.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

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Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

Create requirements for lawyers to provide pro bono work on a regular basis, but don't open the door to private, non-attorney investors owning law firms and the dilemma that will create for Texas attorneys and citizens.

The Commission's proposals are not a proper solution to affordability of legal services in the state of Texas. For all of these reasons, I am opposed to non-attorney ownership of law firms in Texas.

Ed Hensley
Ed4636@yahoo.com

[Comments submitted in sign-up form for attending public meeting]

Lawfirms owned by corporations. Insurer and industry staff lawyers are common. Who owns the lawyer's employer does not, like doctors working in hospitals, change the lawyer's professional ethics or responsibility to clients or the profession.

Allowing Corporate non-lawyer ownership of law firms should not harm clients if lawyers offering services are professional. Depending on good corporate values, it likely will improve how lawyers are perceived by clients and the public. Law firms can adopt firm trade names now, so no change there.

Hon. Mark Hocker
Judge Presiding
Lubbock County Court at Law No. 1
MHocker@LubbockCounty.gov
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To whom it may concern,

While I appreciate the effort to make justice accessible to all, especially those without the means to easily hire attorneys, I fear the proposed changes to existing rules will jeopardize our justice system and place judges in particularly difficult situations. The rule changes I am referring to are:

1. Allowing “qualified” non-attorney paraprofessionals to provide limited legal services directly to low income Texans; and
2. Allowing non-attorneys to have economic interests in entities that provide legal services to low-income Texas.

As a judge and Texas attorney, I am strongly opposed to both proposals. I pray that you will pass this on to the committee and that the Supreme Court will take into account the opinions of the judiciary and the Bar before taking action on such proposals. I fear that not taking this through the State Bar of Texas channels to allow for lawyer comment is making an end run around our Bar and will have negative consequences.

I am happy to visit in person or via telephone with anyone about this further.

[Daniel Horowitz](#)

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Good morning. Without repeating the thoughts and comments you have already received by many of my colleagues, I too OPPOSE non-attorney owned law firms and paraprofessionals.

[Jason January](#)

Attorney at Law

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Dallas, Texas 75234

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Dear Sirs/Madams and Hon. Justice Busby:

I also strongly oppose the proposed imposition of non-attorney ownership of law firms in Texas.

I was licensed in 1985 and spent my first 15 years of practice in the Dallas County District Attorney's Office. I was hired by the legendary Henry Wade.

After 15 years of prosecution, I became a solo practitioner helping individuals with civil and criminal matters.

I helped victims of crime for 15 years as a prosecutor- and now 23 years I have not only helped victims of crime or negligence, I have helped clients of all types to the best of my ability. I cannot imagine how a non-lawyer without the training and experience and ethical guardrails that licensed Attorneys have in Texas could possibly represent any Texas citizens competently or with the requisite skill, training, experience, and constraints. Texas attorneys are subject to discipline, continuing education requirements, not to mention years of intense schooling.

Business entities are only endeavoring to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

In creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, this would invariably lead to higher taxes only to serve profits for special interests.

I agree with one proposal that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – in addition to the IOLTA accounts of Texas lawyers already helping fund legal aid for the poor, more money could be raised by making the voluntary \$150 annual contribution to the Texas Access to Justice Foundation mandatory to all attorneys licensed in Texas.

Any tax dollars that are being proposed to be spent on bankrolling business entities would be much better served by making that tax money a contribution to the existing Texas Access to Justice Foundation as well.

Kevin Johnson
kevin@justinian.com

[Comments submitted in sign-up form for attending public meeting]

I am against the pretense that allowing non-attorney ownership will do anything to help people get access to justice. It will be the commoditization of legal work that will only help corporations.

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I object to non-attorneys practicing law and non-attorneys owning law firms in Texas. Affordability of legal services for low-income individuals is an issue but the solution should not be to severely cripple the entire legal system in Texas.

In addition to the weekly free legal advice I give to the public when they reach out to my private law office, I volunteer for Dallas Bar Association's Legal Line every other Wednesday evening. The free legal advice requested is usually related to issues that are too complicated for paraprofessionals to handle. **Receiving bad legal advice has worse outcomes than receiving no legal advice.**

Paralegals and paraprofessionals - no matter how much training they may have - are not lawyers. They do not have the rigorous education, knowledge, and skills necessary to navigate the complex legal system in Texas, regardless of the regulations imposed upon them.

The Texas Board of Nursing has rejected similar proposals even during the height of the pandemic. It was determined that non-nurses functioning as nurses would put patients at-risk.

While there are *limited* resources for free or affordable legal services, there ARE resources available through organizations to provide legal services to low-income individuals that could be better funded. There is no evidence whatsoever that public confidence in the civil justice system is "at risk."

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished by allowing non-attorneys to own law firms.

It is the mission of every attorney in Texas to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Further, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes, and all to serve profits for special interests.

One simple, cost-effective solution, that could provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of the legal profession would be to make

the \$150 annual contribution to the Texas Access to Justice Foundation mandatory for all attorneys licensed instead of voluntary.

You can also require lawyers to provide pro bono work on a regular basis. But opening up Texas to non-attorney investors owning law firms will not serve the best interests of people of Texas.

The Commission's proposals are not a proper solution to affordability of legal services in the state of Texas. For all of these reasons, I am oppose and object to non-attorneys practicing law as well as non-attorney ownership of law firms in Texas.

L. Todd Kelly

Senior Partner

Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization

Member, Texas Chapter of the American Board of Trial Advocates

Faculty Instructor, The Trial Lawyers College

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Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. New York hedge fund owners, insurance industry leaders and other wealthy business tycoons would certainly love the opportunity to own law firms. Why wouldn't they? This ownership would further tilt the already uneven playing field in their favor. The 7th Amendment to the U.S. Constitution would be eviscerated by allowing the proverbial fox into the hen house. These corporations already control much of the legislation and the firms that represent them. Permitting them to then own their competition will destroy even the semblance of balance in our legal system.

Businesses make money for themselves. That is their nature. The fiduciary nature of our profession (or calling, for some of us) sets us apart from that profit-motivated system. Do we enjoy making money? Sure we do. However, our professional ethics prohibit us from doing so at the expense of our clients. Corporate ownership will simply tear that system down, destroying good, well-intentioned lawyers, and their multitude of clients in the wake.

As an attorney who once engaged the services of one of these hedge fund owners, I know first-hand the pressures that they place on firm owners (even now) to litigate in a certain manner, or to take or refuse certain litigation. How much more if they actually own the firms? Ethical rules will not matter to them as they pressure the plaintiff attorneys in personal injury cases to resolve a case for less, because they also own the defendant corporation? Or perhaps they simply deny representation of these people who desperately need representation because the target defendant is an ally or subsidiary of the company

whose bottom line is about to be affected if the legal representation is competent. I have felt these pressures. They are real. And that is NOW! When these powerful corporations actually own the lawyers, we will devolve into lawlessness. The concept of non-lawyer ownership of law firms flies directly in the face of what this commission sets forth as its goal of providing access to justice for those who cannot otherwise get it. This proposal slams that door shut!

That brings me to my second point. As your proposals related to para-professionals representing low income clients, it would appear on its face that the intent is well-meaning. The obviously foreseeable effect, however, will be in opposition to that intent. There are other ways to resolve the issues of indigent legal representation than to give them pseudo-representation by people that did not go to school to learn the law, have not been tested by the state bar, and do not bear the consequences of their failures. In fact, only their supervisors will pay this price - and for doing only what you propose to impose upon them.

And who is served by allowing non-lawyers to represent the poor? I submit that only the wealthy gain this advantage. Do you think that Wal-Mart or JP Morgan will combat these para-professionals with anyone who didn't graduate from an accredited law school, pass a state bar examination, keep current with their CLE requirements, and bear professional responsibility (and consequences) for their failures. It would be folly to think so. This "representation" would be mere window dressing on a broken system. It would further victimize the voiceless. Do not do this. We practice in a noble profession. Please keep it noble.

Theodore Roosevelt once said that "No man is above the law, and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right; not asked as a favor." This course of action will have attorneys asking their corporate overseers for permission every single time we want to hold one of them accountable to the law. No longer will justice be a right, but a favor meted out by the corporate overseers of our nation. George Orwell could not have written it better.

I cannot plead in stronger terms. Please protect the legal profession. Please do not do this!

[Pete Kennedy](#)

Graves Dougherty Hearon & Moody

[12/14/2023 Comments from Pete Kennedy of Graves Dougherty Hearon & Moody¹](#)

The overview of the proposals are as follows:

- Focus on low-income Texans. For the purposes of the proposals in this report, "low income" is defined as at or below 200% of the federal poverty guidelines as determined

¹ Mr. Kennedy's comments appear in bold font in this document.

by the United States Department of Health and Human Services.

That's a good principle, but I bet legal affordability and access needs run much higher than 200% of federal poverty guidelines. Lawyers are generally unaffordable to average people and even small companies, let alone the working and non-working poor. I could not afford to hire myself, for instance, to handle a legal matter.

- Authorize Supreme Court-licensed (1) paraprofessionals to represent and assist low-income Texans with certain matters in certain areas of the law and (2) Community Justice Workers to provide limited-scope representation in justice court cases, under the supervision of an attorney working for a legal aid entity or other nonprofit entity.

Both ideas are worth exploring. But both will face the same funding limitations that plague legal access, since both types of workers will need outside funding; their clients won't be likely to be able to pay fees sufficient to support their salary and overhead. One model to look at for model (2), though, is what UpSolve (a firm client) is doing in New York with community workers: <https://www.cato.org/blog/upsolve-wins-right-give-basic-legal-advice>. I'm not handling that lawsuit, but I think it was a well-conceived and narrow challenge to UPL laws, and it's worked so far. I'm sure the founders would be happy to talk to your committee and I can connect you if you're interested.

- Create rules, qualifications, licensing, and disciplinary infrastructure within the Judicial Branch Certification Commission (JBCC) to ensure paraprofessionals have the necessary training, skill, and oversight to deliver quality services while protecting the public.

Sure, this is a need, but from what I've seen, this creates such a barrier to entry that few paraprofessionals will sign up, and it can face undermining by the profession. The ABA has a long story on why a family law pilot program failed in Washington. <https://www.abajournal.com/web/article/how-washingtons-limited-license-legal-technician-program-met-its-demise> My sense is that this article exaggerates the opposition and fails to consider the poor economic model that paraprofessional programs provide – expensive training and certification + low wages = limited engagement by non-lawyers. That would have been a problem even if the program was fully supported by the Bar.

- Create a pilot program, regulated and overseen by the Judicial Branch Certification Commission and the Supreme Court, that permits non-attorney ownership under an exception to Texas Disciplinary Rule of Professional Conduct 5.04 for entities that demonstrate a business model that provides services to low-income Texans and includes infrastructure to protect clients and ensure attorney independence.

As I mentioned, I've got some familiarity with the programs in Arizona and Utah that have opened up non-lawyer ownership for qualifying companies. I have several clients who are participating. Both programs appear to be successes and both are attracting considerable attention from the tech and investment communities. California considered a similar 'sandbox' program, but it was opposed by segments of the Bar and then was scuttled by legislation. Seems to me that if California doesn't like it, that means Texas should take a serious look! Far more than the paraprofessional programs, these programs appeal to entrepreneurial talent and investors, and thus are more likely to generate creative legal access solutions. In very general terms, Utah's program is more directly focused on legal access to underserved communities, but almost by definition these alternative law firm structures are looking to expand access to justice, rather than compete with the traditional law firm model serving corporations and high net worth individuals. The Texas Supreme Court has been doing great work with standardized forms and processes; creating a sandbox or ABS program would give private equity and entrepreneurs an opportunity to leverage that work and expand on it.

John T. Kirtley, III

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Dallas, Texas 75219

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A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Richard LaVallo
Legal Director
www.DRTx.org

[email reply to Kristen Bell's comments]

There was no discussion or consideration of paraprofessionals representing parents or children in CPS cases. I totally agree with you and would have been adamantly opposed to such a proposal. The Family Law Bar was the most resistant to expanding the role of paraprofessionals in family law cases. You definitely should share your objections with Jonathan who was a zealous advocate for the family law bar.

The proposed recommendations have to be approved by the Supreme Court. You will probably have an opportunity to express your concerns about CPS cases when the Supreme Court solicits input about the proposals.

Myles Lenz
Partner
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www.shamiehlaw.com
myles@shamiehlaw.com

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UA Lewis

lawyerup@thelewislaw.com

[Comments submitted in sign-up form for attending public meeting]

The purpose of access to justice is to make sure that the those with your resources are not deprived their day in court which should be meaningful and not just to check a box. Without bar membership, oversight will be weak. Those same people needing access to justice will be taking advantage of in new creative ways that we can't even imagine at this point. How far will it go? Will disbarred/suspended attorneys be discriminated against in this new push, or will they be welcomed as non-lawyers helping get access to justice?

Sam A. Maida

Attorney at Law, Maida Law Firm
8313 Southwest Freeway, Suite 102
Houston, TX 77074

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Christina E. Mancuso

Simon Greenstone Panatier

cmancuso@sgptrial.com>

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ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the **inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms.**

Profits above people and in this case, concerning people usually at a vulnerable time with problems that need to be resolved. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

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There is a very simple cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – **make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.**

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Tanja K. Martini

Attorney at Law

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Dear Sirs/Madams:

As a 22-year licensed attorney in the State of Texas, I am writing to express my strong opposition to the proposed imposition, in Texas, of non-attorney ownership of law firms.

New York hedge fund owners, insurance industry leaders, and other wealthy business tycoons would certainly love the opportunity to own law firms. Why wouldn't they? This ownership would further tilt the already uneven playing field in their favor. The 7th Amendment to the U.S. Constitution would be eviscerated by allowing the proverbial fox into the hen house. These corporations already control much

of the legislation and the firms that represent them. Permitting them to then own their competition will destroy even the semblance of balance in our legal system.

Businesses make money for themselves. That is their nature. The fiduciary nature of our profession sets us apart from that profit-motivated system. Do we enjoy making money? Sure we do. However, our professional ethics prohibit us from doing so at the expense of our clients. Corporate ownership will simply tear that system down, destroying good, well-intentioned lawyers, and their multitude of clients in the wake.

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It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be NO concern about attorney independence. By definition, this cannot be accomplished by allowing non-attorneys to own law firms.

I would compare the concept of non-attorney ownership of law firms to that of dental practices owned and operated by venture capitalists. The push to increase profits to appease shareholders has caused the standard of care dentists provide to their patients – both young and old – to plummet. Patients are encouraged to undergo procedures they neither require nor which the dentists are qualified to perform. My concern is that the non-attorney-owned law firms that will be backed by investors and major corporations will have a similar impact on the people seeking quality legal representation. The conflict of interest is simply too great to ignore.

And who is served by allowing non-lawyers to represent the poor? I submit that only the wealthy gain this advantage. Do you think that Wal-Mart or JP Morgan will combat these paraprofessionals with anyone who did not graduate from an accredited law school, pass a state bar examination, keep current with their CLE requirements, and bear professional responsibility (and consequences) for their failures? It would be folly to think so. This “representation” would be mere window dressing on a broken system. It would further victimize the voiceless. Do not do this. We practice in a noble profession. Please keep it noble.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex

legal system, regardless of the regulations imposed upon them. For this reason, paraprofessionals have always been subject to attorney supervision.

And, of course, in creating a whole new bureaucracy for non-attorney-owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests. How will it be regulated?

What about the Texas Penal Code § 38.123 regarding the unauthorized practice of law? Where will the new line be drawn? How can unsophisticated Texans protect themselves? The risk of abuse is far too great and should not be permitted.

Nevertheless, there is, in fact, a quite simple, cost-effective solution, which will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of the legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas. Also, require Texas attorneys to provide a minimum amount of pro bono hours per year in addition to the mandatory CLE requirements.

Theodore Roosevelt once said "[n]o man is above the law, and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right; not asked as a favor." This course of action will have attorneys asking their corporate overseers for permission every single time we want to hold one of them accountable to the law. No longer will justice be a right, but a favor meted out by the corporate overseers of our nation. George Orwell could not have written it better.

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[Matthew Masek](#)

Litigation Attorney

TBN: 24089910

Best, Watson & Gilbert, P.C.

870 W. Interstate 30

Garland, TX 75043

(214) 528-6060, Phone

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Griffin T. McMillin

KINDER LAW PLLC

Associate Attorney

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Dallas, Texas 75220

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Cole D. McNiel

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Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Jennifer Montemayor
Simon Greenstone Panatier
jmontemayor@sgptrial.com

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Rachel E. Montes

Board Certified – Personal Injury Trial Law Texas Board of Legal Specialization

rachel@monteslawgroup.com

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart, in fact, it is widely known as “Law-Mart” and seriously degrades and waters down our profession, and, more basic than that, has catastrophic potential to hurt the public when there is zero accountability for frauds, malpractice, errors and omissions. It will be a disaster for Texas of epic proportions.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas. In fact, there are many many programs that benefit low-income people with legal issues. This is ripe for a hedge fund takeover and assembly line practice of law. This hurts Texan families.

There is NO “crisis,” in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality. One need only look to the public comments from the disaster in Arizona to know that this havoc should not be brought to Texas.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders. If this is brought to Texas, shareholders interests will trump clients’ interests, and that is bad for everyone.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent

conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them. Law school weeds out the folks who should not be lawyers, who often end up in a paralegal capacity, don’t allow those who should not practice law, practice law.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

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This is a colossal bad idea for Texans and their families and will have disastrous consequences. Please do not do this. Make the profession of law remain a noble one, dedicated only to our clients, not to bottom dollar line.

Ja'Mesha L. Morgan, esq.

Your Neighborhood Esquire

6440 N. Central Expy, Suite 516

Dallas, Texas 75206

e-Mail: jmorgan@neighborhoodesq.com

Phone: 972-707-1260

Fax: 1-800-395-1643

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I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

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Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO

“crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

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A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Kaitlyn Moreno
Attorney
Herbet Law Group LLP
2600 N. Central Expy, Suite 200
Richardson, TX 75080
kaitlyn@zdhinjury.com

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Jill Campbell Penn
jill@richardspenn.com
www.richardspenn.com
516 E. Commerce Street
P.O. Box 1309
Jacksonville, Texas 75766

Dear Sirs/Madams and Hon. Justice Busby:

I vehemently oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This is merely a investors and Wal-Mart-esque businesses who come in, destroy local competition, then raise prices and completely eviscerate the local lawyers – the ones who help the ACTUAL people this “relief” is supposed to help. Have you spoken with any of lawyers in the small towns, the rural communities, the poor areas of our State? Judges in these areas? I doubt it. If so, this wouldn’t be the proposed solution.

The solution to the issue of affordable legal services is NOT letting non-attorneys provide those or corporate ownership of businesses that provide legal advice. One answer is pretty simple: give lawyers CLE credit for pro bono work. Another solution is to ***require*** attorneys to provide a certain number of pro bono hours each year. The rural areas, like the one in which I practice, have a lot of individuals who need legal assistance but cannot afford the same. I do not disagree that this does happen. But a crisis, it is not. I volunteer via pro bono through Lone Star Legal Aid for several domestics/family cases each year. I won an award for this. I am not speaking out of turn. Lawyers have the time to take on one or two pro bono cases a year.

Another option is to fund mediation centers so that low income persons can have access to family law mediators and landlord/tenant relief.

Finally: increase the funding for the state criminal defense bar. While I do not practice in that area, I do know that in the rural areas especially, funding is abysmal so the good lawyers often stop taking court appointments.

Aside from family and landlord/tenant law, I cannot think of another area where low income individuals need attorney assistance that is not already provided. Lawyers take personal injury and employment cases on contingency. Criminal attorneys are already paid. Justice courts exist for smaller disputes without the need for attorneys.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders. If corporate ownership is permitted, kiss ethics rules and fiduciary obligations goodbye. Corporations are required to make the largest profit possible. Their fiduciary obligation is to shareholders, not clients. This will cause an INCREASE in litigation (just like we have seen with zoom), not a decrease. It will provide no solution at all to those who actually need the assistance.

And worse, you will run all of the smaller town, more rural lawyers who actually provide services to the low income individuals out of business. Think of Wal-Mart’s business model – lower prices, crush

competition, raise prices. The same thing will happen in this proposal. And it will be the residents of the State of Texas....and the Judges of our local courtrooms...who suffer the consequence. Then again, maybe that is the goal.

Paraprofessionals are not lawyers. They cannot spot legal issues. Many of the lawyers of this State have seen first hand what happens when “notaries” or “notarios” are performing legal work on behalf of persons who do not speak English proficiently. Once again, these persons are creating more issues, not less, for the already overwhelmed justice system.

In all, I cannot imagine finding a lawyer (or a judge who is actually on the bench) that supports this, which begs the question, who does?

[Robert Ray](#)

Attorney at Law

ROBERT E. RAY, PLLC

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Office: 713.333.8118

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Dear Sirs/Madams and Hon. Justice Busby:

Non-attorney ownership of law firms is a profoundly flawed notion which will open a vexatious and unending Pandora’s Box of conflicts of interest and misrepresentations for Texans seeking legal services. Moreover, the already challenging task of regulating a vast and increasing population of licensed professionals will become far more burdensome and unwieldy for the State Bar of Texas by shoving the legal profession into the world of profit-driven businesses to be owned, controlled and/or operated by those with no interest or ability to make the ethics-related judgments and decisions that attorneys must make and live by every day.

No lawyer or consumer of legal services will be served by permitting non-attorney ownership of law firms. Our profession is already under siege by those who seek to denigrate and dilute its ability to balance our obligations as professionals with ever-increasing demands for profits. Permitting non-attorney ownership of law firms would benefit one group and one group only: non-attorney owners.

As a 37-year member of the State Bar of Texas, I strongly oppose any and all proposals which would permit non-attorney ownership of Texas law firms.

Ryan C. Runkle

Hotze Runkle, PLLC
1101 S. Capital of Texas Hwy
Suite C-100
Westlake Hills, TX 78746
(512) 476-7771 tel
(512) 476-7781 fax

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It will become a money-grab for the likes of Wall Street investors.

I am also an Arizona attorney and have seen the effect that their introduction of this concept (with more stringent restrictions mandating attorney management) has had in terms of investors seeking to form "law firms". The amount of solicitation occurring from investor groups is jaw-dropping and jarring.

When such firms are established, the first downturn in profits will contribute to those firms ceasing operation. This is going to ultimately harm clients whose interests will be a back burner consideration. This is going to create mass chaos that will cripple the legal system.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are *limited* resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

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Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

Create requirements for lawyers to provide pro bono work on a regular basis, but don't open the door to private, non-attorney investors owning law firms and the dilemma that will create for Texas attorneys and citizens.

The Commission's proposals are not a proper solution to affordability of legal services in the state of Texas. For all of these reasons, I am opposed to non-attorney ownership of law firms in Texas.

Mohammad Said

Attorney and Counselor at Law

MAS.Law

[212 W. Spring Valley Rd.](#)

[Richardson, Texas 75081](#)

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Office: 972.789.1664

Fax: 972.789.1665

Dear Sirs/Madams and Hon. Justice Busby:

I oppose the proposed rule change, in Texas, of non-attorney ownership of law firms. As I write this e-mail in opposition, I am aware that our sister states of Arizona and Utah changed some of their rules to experiment with this endeavor. Texas, however, should not follow in these footsteps. Our legal industry is a fragmented one, and I say that with pride. Allowing non-lawyers to own law firms will eventually consolidate a substantial portion of our industry. Think of the slippery slope this will cause and compare to other industries that are consolidated and how it has effected the individual residents of Texas and our government as a whole. The quality of services will decline and profit driven measures will be placed ahead of the duties and ethical responsibility we lawyers must adhere by. Every other industry that has gone through a consolidation such as this has suffered in providing quality and ethical services to clients. For example, the dental industry, pharmaceutical industry, and so forth. In Arizona for example, the rule change has not in any way provided more access to justice to residents, instead, there are more ads than ever in the personal injury field and almost every non-lawyer group opening a law firm is diving into the personal injury representation.

Allowing non-lawyers to dictate and direct to a licensed attorney how to practice law will influence the lawyer's professional independence and duty to their clients. Conflicts of interest will be in

abundance. Attorneys employed by a law firm owned by non-attorneys/investment groups will struggle to never be adverse to their company employing them while abiding by their duties and responsibilities to their client. In every situation that I have faced as a trial attorney, wherein my firm's bottom line and profits are adverse to a client's interest, I have always sided with the client's best interest, without any regrets or anyone telling me otherwise. I find it very hard to believe that would be possible in every situation if I had to answer to a board that has the interest of its shareholders and investors in mind when making these decisions. Allowing such a measure would undeniably give non-attorney owned corporations with a financial stake in litigation substantial control over how our legal profession functions.

As attorneys, we are rigorously trained and sworn to represent clients ethically and to the best of our ability. That is a standard that non-attorney-owned businesses will never be able to meet, because they are trained to be profit driven, first and foremost. The slippery slope is terrifying.

[Elizabeth Sanford](#)

Sandford Firm

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Dallas, TX 75201

esanford@sanfordfirm.com

I also oppose.

[John W. Shaw](#)

Blanchard & Thomas, PLLC

4040 Broadway St., Ste. 515

San Antonio, Texas 78209

Tel. 866.219.6119

Email: JShaw@BlanchardThomas.com

Re: Public Comments Against the Recommendations of the Texas Access to Legal Services Working Group

Dear Chairwoman Miers:

My name is John Shaw. I am currently a Plaintiff's Personal Injury and Family Lawyer in San Antonio. I started off my career with Legal Aid of NorthWest Texas in Fort Worth in 2007. I worked for LANWT for more than 5 years. When I left LANWT and went into private practice, I maintained my relationship with the legal services world by joining the board of directors of Texas Legal Services Center (TLSC). For the past 5 years I have served as Chairman of the board.

I am here to speak on behalf of myself as a lawyer, but it is impossible for me to divorce myself from my experience as a board member of TLSC and as a former legal aid lawyer. While my comments

do come from a place as someone who has experience in the legal services world, I want it to be clear that I am not commenting on behalf of TLSC or our board of directors. I am also not commenting on behalf of my law firm.

I am against the recommendations of the Legal Services Working Group as it relates to “licensed paraprofessionals” as well as “non-attorney ownership” of entities providing legal services mainly because I do not believe that either will close the justice gap and I am afraid that they could cause more harm than good.

As it relates to the Working Group’s **recommendation that the Texas Supreme Court license paraprofessionals to engage in particular types of legal representation in certain substantive legal areas**, especially as it relates to non-attorney supervised work, I would like to say that people who cannot afford a lawyer do not have legal problems that are any less complicated than someone who can afford a lawyer. I will admit that I have not had much time to fully digest the report and recommendations, I have read the full report, and in the little time that I have had, my understanding is that in all of the substantive practice areas the gist is that a paraprofessional can do things without attorney supervision as long as it is uncontested. What happens when it becomes contested?

Once contested, that paraprofessional must back out of the case leaving the low-income Texans without representation and without the money in their pocket that they paid the paraprofessional. Where are they going to go? Who is going to get the ball across the goal line? We’ve already established that they cannot afford a lawyer, and nothing has happened in their lives that will make them any more likely to be represented by a legal aid agency. This hasn’t bridged the Justice gap, if anything it has left the impoverished Texan in a worse spot than they were before because they have spent what money they may have had to resolve their dispute and have been left holding the bag.

I am additionally concerned that by creating and supporting the “licensed paraprofessional” title we are going to be playing into the hands of people who already take advantage of the poor and giving them yet another avenue to take advantage of our most vulnerable Texans. Many poor Texans are targeted by scammers who claim that they can do things in the legal services arena that they cannot do. Whether these people call themselves “Notarios” or whether they claim to be a “Notary Publics” I repeatedly saw throughout my time as a legal aid lawyer where someone paid one of these people hundreds of dollars to do the things they were seeking my assistance to get accomplished only to have the person they paid the money to completely disappear, stopping returning their calls, and simply move on to the next victim. This happens at an alarming rate and unfortunately it is under reported because, at least what I have been told by these victims, is that they are scared of law enforcement, and they are often just embarrassed because they have been taken advantage of. I am afraid that people will come out of the woodworks and claim to be a “licensed paraprofessional” when they are not. Vulnerable Texans who are looking for legal representation will not have the ability to differentiate between who is actually licensed and who is not and will be taken advantage of by someone looking to make a quick buck.

With regard to the **non-attorney ownership of entities providing legal services**, allowing tech companies and venture capitalists to turn justice into a profit-making scheme is not legal innovation and it is not going to close the justice gap.

In an October 19, 2022, article in the Yale Law Journal entitled “The Pitfalls and False Promises of Nonlawyer Ownership of Law Firms,” author Stephen P. Younger points out that even the ABA has rejected the idea of nonlawyer ownership of law firms by a landslide vote in favor of Resolution 402, reaffirming the notion that the “sharing of legal fees with non-lawyers and the ownership or control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession. There are many problems associated with non-lawyer ownership of law firms but chief among them is that the motivation of tech companies and venture capitalists, insurance companies, hedge funds and other corporate entities is profit. There is simply no way that profit motivation cannot interfere with the independent judgment of a lawyer. There is no way that profit motivation does not create conflicts of interest. There is no way that profit motivation does not come between what is best for a client and what is best for the company.

More important to me though, is that again, it will not close the justice gap. As Mr. Younger points out in his paper, “Advocates of NLO [non-lawyer ownership] have not presented any compelling evidence that NLO will improve access to justice in a meaningful way, Rather, the benefits of NLO are generally oversold and potentially divert attention from more promising strategies.” Evidence of this is clear in early adopters of non-lawyer ownership including the United Kingdom and Australia where there has been no noticeable reduction in either country’s justice gap.

I am very grateful for the commission giving me this opportunity to comment. More importantly I am extremely grateful for the work that the Commission does, I am proud of the Texas Supreme Court and especially Chief Justice Hecht for the amazing work that he has done that is innovative and has increased the funding for Civil Legal Aid in this State and I posit to you that the answer to closing the justice gap is finding ways to increase funding to Legal Services Law Firms who are the experts on provision of legal services to impoverished Texans.

Sincerely,



John W. Shaw

Charles E. Soechting, Jr
Simon Greenstone Panatier
csoechting@sgpblaw.com

Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe and is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

While there are *limited* resources, there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO “crisis,” however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is “at risk.” If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Conversely, business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers’ fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of “regulatory scheming” or “disclosures” can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. “Minimizing” the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, “paraprofessionals,” no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

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A famous trial lawyer once said, “Little people get little justice.” That is what will happen, in my view, with the Commission’s proposals.

Gerald M. Thomas
gerald.maurice.thomas@outlook.com

I think it would be helpful if certain non-lawyer legal professionals had the ability to represent clients in Texas Justice Courts and Municipal Courts. While we all agree that criminal law and contract disputes can be very specialized, I don’t think every legal job requires a hammer. I think a non-lawyer legal

professional should be allowed to write a letter of representation to a Texas Justice Court in response to a Class C misdemeanor or provide representation in small claims cases under \$20,000.

With the advancements in AI, I foresee that AI can generate a letter responding to a fine-only criminal charge, an eviction lawsuit, or a small debt collection lawsuit in Texas Justice Court. Additionally, AI could conduct legal research by analyzing a collection of several thousand statutes, appellate court cases, and constitutional provisions that a traditional lawyer could become obsolete. Imagine a case where AI conducts the necessary legal research, files a petition in the Texas Justice Court, and automatically responds to a Class C misdemeanor complaint/civil lawsuit in the Justice Courts. I believe if non-lawyers receive the same level of continuing education as Texas Justices of the Peace to become well versed in the law, properly trained non-lawyers should be allowed to represent clients in Texas Justice Courts. Like non-lawyer Justices of the Peace, non-lawyers with a limited law license should be required to complete a certain number of hours of continuing education, maintain professional liability insurance protecting clients from errors and omissions, and register with the State Bar of Texas to obtain a limited State Bar Number.

This technology could save attorneys and small claims courts several hours to give personal attention to more serious matters that involve costly civil penalties and punishments that include incarcerates. Please let me know if you would like to collaborate on a petition to the Texas legislature to allow non-lawyers to represent clients fine-only criminal offenses, eviction cases, uncontested divorces, uncontested name changes, and uncontested adoptions.

[John L. Thompson](#)
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Dear Sirs/Madams and Hon. Justice Busby:

I strongly oppose the proposed imposition, in Texas, of non-attorney ownership of law firms. This idea is a disaster in search of catastrophe. It is merely a money-grab for the likes of Wall Street investors and Wal-Mart.

Affordability of legal services, for low-income individuals, in some instances, is a problem, but the solution should not come with a price tag that would eventually severely cripple the entire legal system in Texas.

Granted, there are limited resources, but there ARE resources available through NON-PROFIT organizations, to provide legal services to low-income individuals. While this is problematic, there is NO "crisis," however, in the civil justice system. There is no evidence whatsoever that public confidence, in the civil justice system is "at risk." If anything, this is only an issue of perception, not reality.

It is the mission of every attorney to serve our clients to the absolute best of our ability. We owe a fiduciary obligation to our clients and no one else, including owners or shareholders.

Business entities are, by definition, established to make the largest profit possible. These entities have no legal or ethical duty to anyone except the owners/shareholders. The concept of non-attorney ownership is inconsistent with lawyers' fiduciary responsibilities to our clients and inconsistent with the ethical practice of law. No amount of "regulatory scheming" or "disclosures" can fix the inherent conflicts of interest that will inevitably arise through non-attorney ownership of law firms. "Minimizing" the concern related to attorney interference is not good enough – there must be absolutely NO concern about attorney independence. By definition, this cannot be accomplished allowing non-attorneys to own law firms.

Moreover, "paraprofessionals," no matter how much training they have, are not lawyers. They do not have, and cannot possess, the rigorous education and skills necessary to navigate an ever-more complex legal system, regardless of the regulations imposed upon them.

And, of course, in creating a whole new bureaucracy for non-attorney owned law firms and paraprofessionals, who will pay for all of this? Where will the money come from? With the Texas budget already under severe strain, this would invariably lead to higher taxes. All to serve profits for special interests.

Nevertheless, there is, in fact, a very simple, cost-effective solution, that will provide thousands of low-income individuals with access to legal services with zero impact on the integrity or function of legal profession – make the voluntary \$150 annual contribution, to the Texas Access to Justice Foundation, mandatory to all attorneys licensed in Texas.

A famous trial lawyer once said, "Little people get little justice." That is what will happen, in my view, with the Commission's proposals.

Charles A. Whittier
cawesq@gmail.com

[comments made in sign-up form for attending public meeting]

I would like to address, the difficulty the State Bar of Texas and the profession of attorneys at large would have as a result of paralegals providing unsupervised legal services. The line between paralegal services and legal advice would be hard to always define clearly, thereby, encouraging the unlicensed practice of law by paralegals. Consequently, lower income Texas would be more likely to receive a lower standard and quality of legal services.

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I write to strongly oppose the idea that non-lawyers can permissibly share in ownership of law firms.

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