



Amendment Floor Report for HB 302- Monday, May 15, 2017

Author	Analysis	Recommendation
Senfronia Thompson P.2 851936	This amendment simply clarifies the language of the bill in regards to when the Board of Directors may increase membership fees without a vote by the members of the State Bar. This can only occur once in a six-year period and cannot exceed a 10 percent increase.	<u>Favorable</u>
Schofield P.3 851974	This amendment strikes from the bill new requirements for members of the State Bar to submit fingerprints for criminal record history information. Currently, individuals acquire their initial license to practice law from the Board of Law Examiners. This judicial agency requires such individuals to submit fingerprints. However, all later enforcement is handled by the State Bar, who presently do not have access to criminal history information. The Sunset Commission has advised the State Bar to require fingerprints of all its members as best practice for ensuring the Bar meets its mission to foster high standards of ethical conduct of lawyers in this state.	<u>Unfavorable</u>
Schofield P.4 851973	Removes the authority of the Chief Disciplinary Counsel to issue a subpoena. These must directly relate to an allegation of attorney misconduct. Previously, the Chief Disciplinary Counsel had this authority. SB 302 simply reinstates this power to issue a subpoena in this context. This ensures that information necessary for investigating grievances are acquired in the appropriate time.	<u>Unfavorable</u>
Krause P.5 851975	This amendment adds a new subsection to the Government Code requiring the Supreme Court of Texas to not let sincerely held religious beliefs affect an individual's admission to the bar. The Court establishes the admission standards enforced by the state bar, which focus on aspects of the applicant's character that may negatively affect their ability to represent their clients -- this requirement focuses on the applicant's criminal record with special attention paid to felony convictions. Existing state and federal statutes prohibit discrimination based on religion, thereby making this inclusion unnecessary and potentially harmful to the professional credibility of lawyers within the state.	<u>Unfavorable</u>
Smithee P.6-7 851960	Currently, the Commission for Lawyer Discipline must report, at least annually, to the Board of Directors, the Supreme Court and the legislature on the state of the attorney discipline system, and make recommendations on improvements. This amendment specifies some of the items that this report must include. All of these specified items are related to disciplinary decisions and grievances of barratry-related offenses or the improper solicitation of clients. This will allow more understanding of how to improve the attorney discipline system in regards to these offenses.	<u>Favorable</u>

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<p>Krause P.8 851976</p>	<p>This amendment allows for an individual to claim a violation of certain religious liberties as an affirmative defense during an administrative hearing regarding a state bar rule or a policy or penalty put on by the board of directors. The violations would include freedom of speech of a religious belief, affiliation with a religious organization or free exercise of religion. Furthermore, this would allow the person to file an injunction should these violations occur. Any discrimination based on religious belief is unconstitutional, leaving this amendment rather unnecessary.</p>	<p><u>Unfavorable</u></p>
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