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February 11, 2019

**VIA U.S. MAIL & E-MAIL**

Mr. Joe Longley  
President of State Bar of Texas  
State Bar of Texas  
1414 Colorado St.  
Austin, TX 78701

Dear President Longley:

Someone needs to write this letter. As a past president of both the State Bar of Texas (SBOT) and the Texas Young Lawyers Association (TYLA), an admirer of your contributions to Texas Jurisprudence and the legal community, and a supporter of your presidency based on your assurance that you would defend our integrated bar while pledging greater transparency in its budgeting and governance, I feel obligated to do so.

On January 18, 2019, the SBOT Board of Directors met to hear and debate your surprising and radical proposal to change the manner in which TYLA officers are elected. By a unanimous vote (you abstaining) it was rejected.

On January 22, 2019, in your capacity as President of the SBOT and on behalf of the SBOT, in an obvious attempt to circumvent the Board results, without notice to or consultation with the Board, the Executive Director, its General Counsel or any other staff member, or the TYLA, you filed a 24 page request for an opinion from the Attorney General of Texas on the same issue. You not only requested an opinion but, in the same document, advocated for his adoption of your proposal and reasoning. This is not transparency in governance.

This was the first time this issue has been raised before the Board since the adoption of the State Bar Act in 1939. I cannot imagine why you, as president, have latched onto it as a basis for attacking the SBOT and TYLA. Nevertheless, the purpose of this letter is not to further debate its merits one-way or the other. Rather, the purpose is to address the manner in which you have chosen to handle it.

Previously, in the January 2019 edition of the SBOT Journal, without consulting, giving notice or seeking input from the SBOT or TYLA Boards, you publicly advocated for the first time the change later debated and rejected. This is not transparency in governance.

Previously, on January 11, at the invitation of the TYLA Board, you met with them to explain your opinion and proposal on this issue. At their request, you promised to give them 30 days in which to seek input from their constituents before taking any action. As it turns out, you had no intention of keeping that promise.

What you did not share with the TYLA at that meeting, or at any time with the SBOT Board, Executive Director, General Counsel or any other staff member, is that you had already decided to circumvent the governing process of the SBOT by requesting a Texas State Senator to file a bill in the legislature which would amend the State Bar Act to adopt your proposal. This is not transparency in governance.

When it leaked out that you had actually done so, I personally called you, advised against circumventing the establish governance procedures of the SBOT, and asked you as a personal friend to pull the bill down. You agreed to do so and later affirmed that it had been done.

What you did not tell me or anyone else is that you had already decided to circumvent the SBOT Board another way if your proposal was rejected, by seeking a formal opinion from the Texas Attorney General adopting your position on the matter. This is not transparency in governance.

Complicating your action is that you filed this opinion request knowing there was an existing conflict of interest with Attorney General Ken Paxton due to grievances currently filed and pending against him within the SBOT grievance process.

Finally, the opinion request prematurely, unnecessarily and inappropriately goes beyond the issue debated before the SBOT Board. Instead of allowing pending court cases to be finally ruled on, you seek an additional opinion, again without notice to or seeking input from the organization you lead, on “when the Bar may legally and constitutionally collect compulsory dues from Bar members”. This puts the Bar in the awkward position of having to file briefs in less than 30 days defending the integrated bar which you promised to defend as its president, instead of within the court system where the issue properly belongs. Regardless, this is such a critical issue to the SBOT that seeking such an opinion on your own and without consulting the Board or otherwise processing it through the SBOT governing system cannot be justified. Such reckless and rogue conduct by a president of the Texas State Bar is unprecedented in its seventy year history and could seriously threaten the Texas legal profession’s long standing right to self govern itself. This is not transparency in governance.

In a time when we talk daily of the need to have integrity, openness and truthfulness in our leaders, it is disappointing that you have chosen to handle this matter otherwise with total disregard, if not disdain, for the governing structures of our Bar. The attitude of those who openly demonstrate that they are willing to wound or destroy the institutions they have pledged to serve if they do not win or get their way is hard to understand. It is rarely encountered within the legal profession.

Accordingly, and with all due respect, I request that:

1. You withdraw your request for an Attorney General's opinion.
2. If you are unwilling to do so, at least withdraw the portion which requests that he provide guidance on when the Bar may legally and constitutionally collect compulsory dues from Bar members under the recent *Janus* and *Fleck* court rulings until they are finally resolved within the court system in regard to integrated bars.
3. Respect and comply with the action of the SBOT Board on the TYLA issue, or step down as president so you can pursue your proposal otherwise as a regular member of the State Bar.

To your credit, working with the executive director and staff, you accomplished your goal of making the budget and administration more open and transparent. In that regard, you have announced to the Board that you were satisfied the SBOT was now in good hands. Unfortunately, your goals apparently did not extend to the president. I fear your recent actions have destroyed the credibility you had built up with the Board, staff and membership. They have certainly done so for me.

Sincerely,



Bill Whitehurst

cc via e-mail: SBOT Board of Directors  
TYLA Board of Directors  
SBOT Past Presidents  
TYLA Past Presidents  
SBOT Executive Director