

TexasBarSunset.com Resolution

A Resolution finally eliminating the requirement that lawyers in Texas still have to join a labor union (the Texas Bar) to get to earn a living...

The Make Justice Affordable Again (MaJAA) Act

(H.B. 5104 in 2025) is based on Texas G.O.P. platform plank #26b) of 2024, which is located here: <http://www.TexasBarSunset.com/platforms> and here:

26 b) Practice of Law: We oppose mandatory State Bar membership. The Texas Bar may not collect any more dues unless it conducts a membership referendum and with more than two-thirds of all dues-paying members approve of the mandatory membership requirement. We support sanctions for those who weaponize and politicize the legal disciplinary process of Texas in attorney disciplinary matters. Texas should adopt a "clear and convincing" evidentiary standard instead of its current "preponderance of the evidence." The State Bar of Texas may not try to influence judges, justices, judicial candidates, or associations.

Here is a summary of **H.B. 5104**, a Texas legislative bill subsequently filed during the 2025 regular session. It contains a Texas Legislative Counsel-approved textual version of the Texas GOP's 2024 platform plank 26b), as one can confirm when comparing it with TLC bill draft #[89R-15935](#):

NOW THEREFORE, BE IT RESOLVED:

1) Fees the state bar collects under Chapter 81 of the Texas Government Code, or other funds the state bar receives may not be used to provide a gift, grant, or donation to influence a judge, justice, judicial candidate, or judicial association. A judge, justice, judicial candidate, member of a judicial association, or descendant or member of the household of a judge, justice, judicial candidate, or member of a judicial association may not accept a gift, grant, or donation from the state bar.

- 2) The Supreme Court of Texas shall adopt a system for imposing monetary sanctions against persons who file frivolous grievances against attorneys.
- 3) Texas attorney disciplinary proceedings shall proceed under the “clear and convincing” evidence standard instead of the “preponderance of the evidence” one.
- 4) As of June 1st, 2026, the Texas Bar may not collect any more annual (or other) dues unless and until it conducts an annual membership referendum in which two-thirds of all attorneys who would actually have to pay the dues approve of the continued mandatory membership requirement.

BACKGROUND, POLICY RATIONALES & ANALYSES FOR THE MaJAA ACT:

(Live links and the Texas Legislative Counsel’s legislatively approved text, including in statutory context are at: <http://www.TexasBarSunset.com/2025>)

1) WHEREAS, the Texas Bar somehow "forgot" to mention its fairly recent & very substantial internal [embezzlement problems](#) in its Sunset Review self-evaluation report submitted in 2015:

<http://www.TexasBarSunset.com/embezzling>

Only one of the [public comments](#) even mentioned such ongoing bar theft (TexasBarSunset.com's). Nevertheless, that Bar was "coincidentally" simultaneously trying to get from the legislature unlimited rights to increase annual member dues whenever it likes, as much as it likes, all *without* even remembering to notify the (still compulsory) bar members and while incorrectly claiming to them, in writing, that their referendum rights remained protected. Meanwhile:

2) WHEREAS, the Texas Bar continues trying to disbar or otherwise harmfully discipline attorneys using conveniently vague ethics rules that it selectively enforces. Meanwhile it forces unapproved dues increases upon intimidated yet silenced members, while also receiving over \$13 million annually for continuing legal education (CLE) sales regarding what its vague & ambiguous ethics rules supposedly purport to mean: <http://www.TexasBarSunset.com/budgets> ; and

3) WHEREAS, risks of predatory bar prosecutions and other lawfare discourage attorneys from accepting unproven, nonwealthy clients, and from providing a

sufficiently aggressive representation for all of their clients. This results in an unnecessary demand for Access to Justice charities' driving up societal costs while also denying some people a sufficiently persistent legal representation; and

4) WHEREAS although in 1992 nearly all Texan civil defendants had legal counsel in court, now only around 25% obtain it, according to the [National Center for State Courts](#) and the [Bureau of Justice Statistics](#). After all, cyberspace makes it easier for the Texas Bar to enable and encourage fee disputants to harm attorney members with costly (purported) ethics complaints that drive up expenses and which make lawyers' fees inaccessible for most laypersons (while that Bar profits substantially); and

5) WHEREAS, fairly recent attempts to reform the Texas Bar's rather easily weaponized grievance system, internally, were improperly thwarted anti-democratically by exorbitantly compensated bar leaders, as a video linked from the third paragraph from the top exposes here (beginning with the emboldened word "**Query:**": <http://www.TexasBarSunset.com/reforms>); and

6) WHEREAS, potentially inappropriately influential benefits that the Texas Bar has been known to bestow upon judges & justices "coincidentally" handling attorney discipline cases include, but are not limited to Bar lobbying for judicial salary increases at taxpayers' expense, the providing of free publicity opportunities including through Continuing Legal Education [CLE] course offerings, supportive social media posts, public recognitions, and awards for media outlets that favor particular judges & justices over competitors. Such benefits also include the conducting of judicial polling of the Texas bar membership as well as the providing of job references & recommendations for wealth-enhancing "golden parachute" career opportunities to be bestowed subsequent to judicial service. For more details: <https://www.texasbarsunset.com/judicial-neutrality>; and

7) WHEREAS during May of 2025, approximately 80% of Texas' state representatives and nearly 90% of its state senators voted to pass Senate Joint Resolution 27. SJR 27, which passed with heavy bipartisan support. It purported to amend Texas' constitution by replacing the thirteen member [State Commission on Judicial Conduct](#)'s two commissioner positions previously filled by the State Bar of Texas with two commissioner slots to be filled, instead, by the Governor of Texas. Subsequently, on November 4th, 2025, approximately 62% of Texas' voters participating in a statewide constitutional referendum voted in favor of [Proposition 12](#) which finalized that amendment process. The change liberates Texans, apparently for the first time since that commission's creation in 1965, from

having Texas Bar appointees doling out preferential treatment or spiteful retaliation from that commission. Meanwhile, in addition to that corruption-reducing, popular multipartisan reform:

8) WHEREAS on February 14th, 2025, Texas Attorney General Ken Paxton [wrote](#) that "Texans clearly deserve better. Given the immense success that President Trump, Elon Musk, and DOGE are seeing at the federal level, I think there should be a similar evaluation of how the Texas State Bar operates with the possibility of eliminating the entity given how it's tried to enforce its leftist political agenda;" and

9) WHEREAS, President Donald Trump perceives the state bar "lawfare" problem to be so grave that he aired the following relevant hour-long documentary at Mar a Lago on Saturday night, January 4th, 2025 to over a thousand invited guests: <https://www.madisonmediafund.org/eastman-dilemma>; also at: <http://www.EastmanDilemma.com>. Here's [video of President Trump's introductory speech beforehand](#). The documentary is still free to view online, at least at the MadisonMediaFund [link](#).

10) WHEREAS, union membership is not mandatory as a prerequisite for getting to work for a living, as the U.S. Supreme Court's fairly recent case of *Janus v. AFSCME*, 138 S.Ct. 2448 (2018) helps make clear; and

11) WHEREAS, the 5th Circuit Court of Federal Appeals ruled in 2021 essentially that the State Bar of Texas unlawfully uses coercively extracted dues money and subsidies to engage in impermissible political and social activities that are not germane to its mission or permitted by applicable laws. Meanwhile it has not provided members with sufficient recourse. Indeed, it successfully claimed sovereign immunity during a subsequent class action against them... *See generally: McDonald v. Longley*, 4 F 4th 229 (5th Cir. 2021) & [Boudreaux v. State Bar of Louisiana](#) (2023); and

12) WHEREAS Most lawyers in the USA reportedly do not need to join a state bar to get to earn a living as attorneys, while reportedly nearly 2 dozen U.S. states have no mandatory membership bar association, either; and

13) WHEREAS over 80% of Texas' state bar attorney membership consistently abstains from voting in that bar's annual, internet-enabled, month-long elections despite their still being forced to pay (ever-increasing) annual dues, as these statistics help show: <http://www.TexasBarSunset.com/voter-abstention> ; and

14) WHEREAS, the Texas Bar peculiarly merges trade association activities with disciplinary ones, with each fortifying the other while apparently forcing Texan taxpayers to subsidize the retirement pensions of purported workers who did not even perform inherently governmental activities instead of trade association ones; and

15) WHEREAS, Texas Disciplinary Rules of Professional Procedure impose a mere “preponderance of the evidence” standard for securing disciplinary convictions by that bar, while the standard of proof of the [American Bar Association’s Model Rules for Lawyer Disciplinary Enforcement \(#18.3\)](#) is a more rigorous “clear and convincing evidence” one. Similarly, the U.S. Supreme Court says that attorney discipline proceedings are "quasi-criminal" in nature. *In re Ruffalo*, 390 U.S. 544, 551 (1968).

16) WHEREAS, Texas is one of at most nine U.S. states that impose a less protective “preponderance of the evidence” standard. In Texas' case, the requirement is at Texas Disciplinary Rule of Professional Procedure 3.08 c). In contrast, at least 42 U.S. states, plus Washington D.C., have a form of the more demanding “clear and convincing evidence” standard for attorney discipline cases. Further details (including lists of relevant states) are available [here](#) in reform proposal #4). Furthermore:

17) WHEREAS, a major Texas political party's activists have already formally & overwhelmingly (93%) embraced essentially the legislative reform proposals discussed on this page (and embodied in [H.B. 5104](#)), as <http://www.TexasBarSunset.com/platforms> documents...

The MaJAA Act (in the text of Texas Legislative Counsel-approved [H.B. 5104](#)) is hereby submitted for your consideration....

For [H.B. 5104](#)'s text embedded within a statutory context, please see:
<http://www.TexasBarSunset.com/2025>

H.B. 5104 is based on a [platform plank which political party delegates throughout Texas voted for in 2024](#), in one party's case by a 93% voter approval rate among over 7,000 state delegates.

*Bar reform is on the horizon. The Texas Sunset Commission's next review of the Texas Bar begins in late 2027. Reviving GOP platform plank #26b) of 2024:

<http://www.TexasBarSunset.com/platforms>

by embracing the Texas Legislative Counsel's officially approved statutory text (included above) can help influence the Sunset review process considerably, in accordance with Texas Republican principles. For more on the Sunset Review process:

<https://www.sunset.texas.gov/reviews-and-reports/agencies/state-bar-texas>

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