



December 14, 2023

Texas Access to Justice Commission
1414 Colorado
Austin, Texas 78701

Re: Opposition to non-lawyer ownership of firms and paraprofessional legal services

Chair Miers, Members of the Commission, and the Honorable Brett Busby:

I lead Texas Watch, a non-partisan, non-profit organization that advocates on behalf of consumers and our courts. We provide these comments in opposition to proposals to (1) permit non-lawyers to own legal entities and (2) allow paraprofessionals to provide legal services in our state.

Providing increased access to justice for low-income Texans is an exceptionally laudable goal. Indeed, in the face of sustained opposition at the Texas Capitol, our organization has advocated for increased access to justice throughout our 25-year history. However, we believe the proposals before you will lead to many unintended consequences, threatening the quality of legal services throughout our state.

The practice of law is a *profession* – one that is highly regulated. Attorneys receive years of intensive training; pass an extensive background check and the bar exam; educate themselves each year; and are subject to a host of ethical duties, professional rules, and laws. These requirements are for a very good reason -- the protection of the public.

Allowing non-attorneys to own law firms will ultimately coarsen the legal profession and harm Texans. Medical professionals are seeing the negative effects of business interests consolidating and commodifying their essential services. They spend less time with their patients as profits are maximized by those who focus solely on the bottom line. Law firms are more than businesses -- they serve a higher purpose – and the legal profession should not repeat the mistakes other professionals suffer from today. Clients are people with problems that need solving by caring and competent professionals. They are more than mere economic units to be monetized. The nature of the legal profession is at stake if non-lawyers are allowed ownership. Lawyers should answer only to their clients and our courts, not corporate boardrooms.

Some of the proposals before you appear limited at this time, but slopes often prove slippery. Missions creep. Just consider all of the legal services non-lawyers are allowed to provide in Utah today.¹ We already permit paralegals and law students with a “third-year bar card” to serve the public under the close supervision of an attorney. There is no compelling reason to change this model.

We encourage the Commission to investigate other means to increase access for low-income Texans. Texas attorneys may be required to provide pro bono services and contribute monetarily to provide access to justice as a condition of their license. Court filing fees could help support legal aid programs. The Commission could study how tort “reform” statutes and class action jurisprudence has limited access to justice in Texas, providing insight for the Texas Legislature on how best to correct these injustices. We further encourage the Commission to hold highly publicized field hearings across the state to meaningfully engage the public in this policy debate if it should continue. Thank you for your consideration.

Respectfully submitted,

Ware V. Wendell
Executive Director

¹ See LEGAL SERVICES INNOVATION, UTAH SUPREME COURT, AUTHORIZED ENTITIES, <https://utahinnovationoffice.org/authorized-entities/> (last visited 12/14/23).