

State Bar of Texas Executive Committee Meeting 03-12-21

LARRY MCDUGAL: OK. The time is now 9:35 on March 12, 2021. Due to technical difficulties, I'm going to recall this meeting into order, and we are going to restart the meeting from the start. Because of issues with the Open Meetings Act, we believe that's what we need to do. So I am now calling the meeting to order at 9:35 a.m. All directors please unmute for roll call. With our agenda posting, we've invited members of the public to view the broadcast of the executive committee meeting, which is live. Hopefully now it can be viewed at www.youtube.com/statebaroftexas - all one word. We also provide instructions on how to sign up to speak for today's meetings, and they were available to sign up until 5 p.m. yesterday. Nobody signed up for the meetings that time, so we have no public comments at this time in our meeting. At this time on the call, I want executive director Trey Apffel to call the roll. Once the roll is completed, all participants please place your Zoom on mute. Thank you.

TREY APFFEL: Thank you, Mr. President. Mr. Alexander.

CHIELSEY BARBER: I think he was dropped.

TREY APFFEL: Ms. Brooker.

REBEKAH STEELY BROOKER: Here.

TREY APFFEL: Mr. Crain.

ROBERT CRAIN: Here.

TREY APFFEL: Mr. Dawson.

ALISTAIR DAWSON: Here.

TREY APFFEL: Ms. Borunda Firth.

SYLVIA BORUNDA FIRTH: Here.

TREY APFFEL: Mr. Flores.

VICTOR FLORES: Here.

TREY APFFEL: Mr. Ginn.

CHARLIE GINN: Here.

TREY APFFEL: Ms. Harrison.

BRITNEY HARRISON: Here.

TREY APFFEL: Ms. Humphrey.

WENDY-ADELE HUMPHREY: Here.

TREY APFFEL: Mr. Kolodoski.

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MATTHEW KOLODOSKI: Here.

TREY APFFEL: Justice Lehrmann is not able to join us today, but she has Nina Hess Hsu representing her today. Mr. McDougal.

LARRY MCDOUGAL: Present.

TREY APFFEL: Ms. Miller. She's here. Mr. Naylor has an excused absence. Ms. Roe has an excused absence. Mr. Sorrels.

RANDALL SORRELS: Here.

TREY APFFEL: Ms. St. Yves. Mr. Vasquez has an excused absence. Mr. Wester.

JAMES WESTER: Here.

TREY APFFEL: Mr. President, we have a quorum.

LARRY MCDOUGAL: Thank you, Mr. Apffel. At this time, we would normally welcome any members of the public to speak, but as I stated previously, we've had no members signed up. So we will move on past agenda item No. 3. At this time, I'm calling for the report of the executive director, Mr. Trey Apffel.

TREY APFFEL: Thank you, Mr. President. I just have a brief update on our disciplinary rules vote that took place. It came to a conclusion on March the 4. And I'm pleased to report, as you already probably have heard, that the rules vote passed overwhelmingly. All of the proposals that were included in the voting process passed. I want to congratulate our committee on disciplinary rules and referendum for all the work that they did and also on our state bar staff for making sure of the voting process. We are currently in the stages of working with the Supreme Court as far as implementing those rules into our disciplinary rules. So with that, that completes my report on that end. Thank you.

LARRY MCDOUGAL: Thank you, Mr. Apffel. We will now move to agenda item 4B. This is an action item to hear, discuss and decide the appeal by Mr. Pattel of the executive director's finding that this petition for nomination as a director for District 5 did not meet the requirements of the state bar rule - article rules, article 4, Section 7A. We're here today to hear an appeal from Mr. Pattel concerning his petition to run for District 5 director. On March 3, 2021, executive director Trey Apffel notified Mr. Pattel that he was not certified as a candidate because he did not have the requisite number of signatures. At this time, I'm going to call on Mr. Ray Cantu with the state bar to give background information about the appeal and describe the process used by the state bar to certify candidates for district director. Mr. Cantu.

RAY CANTU: Mr. President, as Larry indicated, my name is Ray Cantu. My title is the deputy executive director of the State Bar of Texas. I have been employed with the state bar going on 26 years now, and I have been - spent about the last 20 years or so working on state bar elections and helping to implement them for the board of directors. The state bar elections are governed by rules, specifically the state bar rules and the board policy manual rules. And these rules dictate the process for how individual attorneys can become certified as a candidate for the races and throughout the state, not only for district director but also for president-elect. We use these rules to determine how candidates are selected and go

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through the process. For example, the rules dictate and specify that March 1 of every year is the deadline for petition signatures (inaudible) by a potential candidate. And more policy rules also specify that there are 17 bar districts throughout the state made up of specified counties. Metropolitan counties usually have about one county in each district, and some of the outlying districts are made up of multiple counties. State Bar Rules and Board Policy Manual provisions regarding petitions for district director use the term principal place of practice. If an attorney wants to run for district director in a certain district, for example, they must run in the district where they have their principal place of practice. If an attorney wants to sign a petition for someone who is running for director, their principal place of practice must be in the same district as the person who wants to be a candidate. In order to determine principal place of practice for district director candidates and petition-signers, the State Bar's long-standing administrative procedure is to use each attorney's office address to determine what district they fall in. If an attorney does not give the Bar an office address, but instead gives another preferred address, such as their home address, we use this address to determine the Bar district for their candidates. ZIP code of that address determines which Bar district candidates are assigned to. Our membership database calculates the zip code and puts everybody into a specific district - each of those 17 districts, as I mentioned earlier. When an attorney submits their petitions to the State Bar, our membership department director, Karen Rebernak, who's on the meeting with us today, runs a report against our membership database of all the Bar card numbers listed on the petition, unless no signature was provided. This database report identifies attorneys who are eligible or ineligible to sign a petition or if they've signed it more than once. Some people, for example, have accidentally signed a petition more than once, and then get kicked out of the report for being a duplicate signature. Just as with candidate eligibility, petition signatures is based on the attorney's office address, as I've mentioned. If there's not an office address in our database, it is based off the preferred address. We have posted such a report regarding Mr. Patel's petitions in your meeting materials. The State Bar has used this administrative procedure for decades because using the office address is the most consistent and concrete way to interpret the principal place of practice for each attorney. The Bar does not have a process or criteria for determining where and how much time an attorney might spend in a particular location in order to constitute a principal place of practice. We do not ask where they practice or how much time they spend in a particular area of the state or what percentage of cases they've filed in that area. Many attorneys practice throughout the state. You could potentially have an attorney whose office is in San Antonio but who has cases in Dallas and might argue that their principal place of practice is in Dallas in that example. And because of these reasons, the Bar relies on the office address provided by each attorney to determine their Bar districts. Using the address that is given to us by the attorney takes uncertainties out of the process. In addition to candidate and petition signature eligibility, the office address also determines what district an attorney will vote in. If you give the State Bar a District 4 address, you will receive a ballot for a District 4 race if there is one. We have used these procedures consistently when implementing elections and have not deviated from this process as long as I have been working on elections at the State Bar. And that concludes my report.

LARRY MCDOUGAL: Thank you, Mr. Cantu. And just to give the parties a layout of what will take place, first, I'm going to ask Mr. Apffel to basically give his report and opinion on this. Then Mr. Pattel will be asked to give his information, and then if Ms. Kern wants to speak, she will be allowed an opportunity to speak. So at this time, I'm going to ask Mr. Trey Apffel, the executive director, to present the facts of this particular district race, explain his decision why not to certify Mr. Pattel as a District 5 candidate. Mr. Apffel.

TROY APFFEL: Thank you, Mr. President. Mr. Pattel began submitting petitions for the District 5 director position over the course of several days, starting Friday, February 26, and submitted additional

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signatures up until 11:30 PM on Monday, March 1. Our staff had called him on February 26 to inquire about the petition because it wasn't clear to us at the time which district he was running in. He had submitted petitions from individuals from District 4 and also District 5, and his petition claimed he was running in District 5. When Mr. Pattel submitted his initial petition, his Houston office address was in our database, so he was listed in District 4. Mr. Pattel explained to us at that time on February 26 that 75% of his practice was in Fort Bend County and that he lives in Fort Bend County. He said that he considers Fort Bend County to be his principal place of practice and thought that he should be eligible to run in District 5. We explained at that time our administrative procedure for determining districts, and in an effort to assist them, we explained that he could change his district by removing his work address completely since his home address is in District 5. Attorneys are free to change their address as they wish. We, the State Bar, does not dictate what address an attorney should or should not use. On Monday, March 1, Mr. Pattel updated his address online before the deadline. The database as of that date now shows him eligible to run in District 5. Mr. Pattel needs 100 valid signatures in District 5 in order to become certified. We ran several reports, the first one on February 26, so that we could tell him where he was at that point on his numbers, on his signatures. We ran the last one on March the 2nd, the day after the deadline, to get a final figure on his signatures. The numbers changed from each report for two reasons. No. 1, more attorneys had then signed his petition, and No. 2, some attorneys changed their address on March 1 to a District 5 address. The final report indicated Mr. Pattel submitted 144 total signatures. The eligibility report is included in the board effect materials that we provided you. Of those signatures, 83 attorneys were deemed eligible in District 5, 57 attorneys were deemed ineligible due to addresses outside of District 5 and 4 signatures were duplicates. Since that report was submitted, we continued to review the petitions by hand. We found another eligible attorney who signed the petition under the wrong Bar card number. Mr. Pattel now, according to our count, has 84 eligible signatures, still short 16 signatures to be certified as a candidate. Based on those numbers, I declined to certify Mr. Pattel's petition and notified him of that decision on the evening of March the 3rd. Mr. Pattel takes the position, I believe, that by signing the petition, those attorneys who signed it are telling us that their principal place of practice is in District 5. All petitions, however, are subject to the certification process to verify eligibility for signers, which, as Ray Cantu described, is based on an attorney's office address, or if no office address is provided, their preferred address. When we checked the eligibility of Mr. Pattel's petition signers against our database, we found that many of the attorneys are from District 4 based on the addresses they provided us. Those attorneys will receive a ballot when the vote is actually put out there to vote in District 4 elections. They will not even be able to vote for Mr. Pattel since he is running in District 5. Mr. Pattel also provides an example of some lawyers who are friends of his who work at the Fort Bend County district attorney's office. They showed up on our report in District 4. Again, those attorneys have provided an address located in District 4. So in terms of process, the executive director is responsible for certifying a petition for district director. If the executive director does not certify the petition, the petitioner can submit an appeal to the executive committee, which is where we are today. According to the State Bar rules, the executive committee has the final say on the matter. And that concludes my report, Mr. President.

LARRY MCDOUGAL: Thank you, Mr. Apffel. Mr. Pattel, now is the time for you to present your appeal.

SURENDRAN PATEL: Thank you, Mr. President, and thank you, all the members of the committee. I submitted my petition first time on February the 26th with more than 100 signatures. I got the report on the same day that out of the 103, only 47 are eligible. And most of the report - I agree with most of the report as submitted by Mr. Ray Cantu and Mr. Trey Apffel, except for some of the statements which are not true in the true spirit of the terms. First of all, we are looking into the phrase - the definition of the phrase principal place of practice. Ask Mr. Cantu represents, we are dictated by the rules, not by the

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procedures. We are dictated by the policy manual, not by the procedures. So the rules and policy manual - never defined. There is absolutely no definition as to the principal place of practice. So we need to interpret what is the principal place of practice. If we are making a mistake for decades, we need to correct that. If we are misinterpreting the principal place of practice, we need to correct that. We, as a lawyer, we, as a fraternity, we are the proper body to interpret a legal term correctly. So what exactly the principal place of practice is - we all know that there are attorneys practicing from their home. Now, in 21st century, they are practicing by their devices. There are a lot of attorneys practicing by giving their address as a virtual office. Just for the sake of address to receive the mails, they go there only once every - once in two weeks or once a month to collect the mails. Their practice is maybe in the library of the bar association or in their home. So which is the appropriate term - appropriate way to interpret the principal place of practice? Where exactly that - the bulk of that candidate's or attorney's work emerges? So I have a few exhibits. I hope that you - I have been discredited before filing this appeal, so I hope that by indirection I am urging - I hope that you all listen to my arguments with an open mind and make a fair and informed decision. For that, I filed a memorandum of appeal along with eight exhibits. I requested the administrative body to provide all - to the all executive committee members, and I hope that you all have it. So exhibits one, two and three are the reports submitted by the membership department. When you are looking into the exhibit one, which is the report from February 26, there are individuals who are marked as ineligible. But when you are looking into the March 1 - Monday - February 26 versus February 26 - a Friday - March 1 was Monday the next week. Derek Anderson, James Boneraj, Patel Frida - they are ineligible - only a few. They were ineligible on Friday, become eligible on Monday. Lee Chang, Russell Dial, Benjamin are ineligible on March 1, Monday, become eligible on March 2, Tuesday. Brown John Roberts Junior - finding a place in February 26 and March 1 report, but he disappeared on March 2nd. So these are all the discrepancies in the report. And exhibit four and five will show my information. I provided those two documents as an attempt to convince you guys that principal place of practice is not in the way - to be interpreted in the way Mr. Kendall represented earlier because, while you are asking the - in the attorney profile, there is absolutely nowhere the bar asking the attorney to list your principal place of practice. You need to report only two addresses, one - office address - work address - two, your home address. Office address - nothing.- There is absolutely no mention that the office address should be your principal place of practice. As I mentioned earlier, there are attorneys without having an office. There are attorneys who have multiple locations. And assume that an attorney has three major locations - Dallas, Austin and Houston. As Mr. Affell asked, bar doesn't dictate anybody to provide which address. It is true. And the attorney doesn't know that they should submit the principal place of practice. So an attorney practicing in a big law firm with the three major locations providing one of the address convenient to him. And a law firm - the other law firm members may be providing some other locations of their office. Which when you determine the principal place of practice? And their major practice area maybe in, you know, Austin. And many of the attorneys may be in Houston, working from home to the law firm because of the pandemic. How could you say that all these people are not working on such-and-such area, but they are working in such-and-such area. How the bar dictates the principal place - unless there is a definition. Unless you are asking the attorneys to provide your principal place of practice. The bar doesn't require anybody to report their principal place of practice in the first place. So if there is a requirement by the bar to report annually or quarterly or whichever time period - report the principal place of practice and that is the basis of your conclusion, that is a valid point. You are not asking for the principal place of practice to any attorney, just asking an office address, and many attorneys are now practicing from home or for virtually, by Zoom, things of that nature, and all of a sudden the bar dictates - the administrative wing of the bar dictates where exactly an individual attorney is practicing. As Mr. Arafell described earlier, my - 75% of my practice is in Fort Wayne County. My main office located in Houston. So how can the bar, without knowing the actual fact - where exactly the attorney is practicing, how can

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the bar dictate that, no, you are not in Fort Wayne country, you are in Harris County. I don't think that that is a valid argument and I don't think that that is a proper interpretation unless there is a definition in the rules or policy manual which says that principal place of practice means the address provided in the bar. That is not there. And now I have produced two other exhibits, six and seven - with due respect, this is nothing personal. I chose those two documents just to convince my argument. Those two documents are relating to our executive director, Trey Affell. So he reported his office as a P.O. box number in Austin. That is exhibit six. If you are looking into exhibit seven, all his office locations listed in the social media and Google is in League City. I don't think any one of you would argue that his principal place of practice is in that post office box. So that is one example of how our practice is moving nowadays. You can list an address for the sake of getting mails and things of that nature, but that doesn't necessarily be your principal place of practice. So unless we have a definition - clear definition of the principal place of practice, unless we are not requiring the attorneys to report their principal place of practice, unless there is no mention in the membership roster that this is the principal place of practice of an attorney, which - what is the proper way to accept or reject a candidate's signature while the attorney who's signing that paper - that attorney is the one who knows where he is practicing and he certifies that, my principal place of practice is in this district. Why would you distrust him? Why the state bar rejecting a certification by our fellow attorneys and accepting a vague procedure that never make any sense because we saw the discrepancies in the report. I am not eligible today, I'm eligible tomorrow for the same position in the same district. So I would argue and I hope that I am - I'm convincing you guys that the appropriate method of accepting or rejecting is to take the certification of the attorneys on its face value and believe them that they are telling us the truth. Why would they lie? I am tell - certifying that I am practicing in this county and my fellow attorneys certifying that, yes, I am signing this petition and I am practicing - my principal place of practice in this county or this district. What is the reason for disbelieving that attorney - and I have submitted 144 - 142 signatures. And one another thing, I submitted another document which is a memorandum from the board membership department that is well after declining to certify me. And that shows that even after declining to certify you, we find some more signatures and one of them are eligible and one of them are not. So even after making a decision, we see the discrepancies. We saw how bad the process are there. Friday, some are ineligible. Monday, they become eligible. Monday, some are ineligible. Tuesday, they become eligible. And again, they - one disappeared and, after a few days, a new review and finding another signature. So - and there is a vagueness - the rules and policies are vague. There is absolutely no definition. So when there is - a provision is vague, we cannot actually - there is two way we can argue. We can argue that the addresses that the - the office address is the true principal place of practice, or we can argue that where exactly that particular attorney has a substantial amount of work - that can also be his principal place of practice. So when we have two possible interpretation, which one we need to? We all knew - I know I don't need to argue too much about the interpretation of vagueness. So I'm not the drafter of the policy, I'm not the drafter of the rule, so it should be decided against the drafter. That is the state bar of Texas. So if the - if you find that the rule is vague, if you find that the policy is vague as to the term of the principal place of practice, I would argue that that interpretation should be in my favor and to accept - and especially when the attorneys are certifying that this is my principal place of practice. So now we are all looking into technicalities. So that technicality - a vague technicality with - that we cannot convince anybody. We are not able to convince this vagueness to the public, to the fraternity or anybody, and we are sticking with that technicality based on the fact that we are following this technical procedure for decades. If we knew that this is a - the procedure that we need to change, this is the high time to change it because we are in a different era, we are in a different technological environment, we are in a - and especially - one more thing that - you all need to consider that there is a difference between the rural practice and urban practice. A solo attorney who may not be able to build up an office setup in a rural county - he may set up a virtual office in the urban area in the metropolitan city and practice in his rural

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hometown. That is how it works for most of the attorneys, not for the big law firms. And majority of members are new - solo attorneys. And one other things I want to address is that thousands of new attorneys are coming to this profession. They don't know the procedures. You are not telling them the procedures while in the certification process - the certification - all attorneys are saying that I undersigned live - our principal place of practice is within this - in the nomination process, you are not asking - you are not saying that the principal place of practice we are considering your office address located in the membership department is your principal place of practice. You are not informing that to the candidates, you are not informing that to the signatories, you are not informing to the membership at large. So without knowing those facts, the attorneys are, with a good faith, certifying that this is my principal place of practice. Why would you reject that good faith statement of an attorney? And without letting them know that we have a procedure here. You are inviting nominations. At the time of inviting the nomination, you are supposed to tell them that your principal place of practice is considered as your office address or home address, whichever you are - preferred address in our database. That is not there in the - in your nomination limitation or the certification process. So...

LARRY MCDOUGAL: Mr. Pattell, I'm going to ask, if you have something new, let's go ahead and get it done. If not, we need to kind of wrap up.

SURENDRAN PATEL: ...Yes, I urge you, all the committee members, please look my argument and my appeal memorandum and the exhibits with an open mind and make a fair decision. Thank you so much.

LARRY MCDOUGAL: Thank you very much, Mr. Patel. Mrs. Kern, it's now your opportunity to speak.

LORI KERN: Thank you. Good morning. My name is Lori Kern and I am currently the certified candidate for state bar director for district five. I'd like to thank Mr. McDougal and the executive committee for inviting me here to speak this morning. I appreciate the opportunity to share my position with all of you. And I'd like to convey to Mr. Patel that none of my comments here, of course, are intended to cause personal offense to attorneys who are, obviously, committed in their efforts to serve and volunteer for the state bar. I sincerely hope that we can continue to work together as professionals in the future regardless of the decision of the committee today. I was approached by Sherry Goldsberry in late 2019 to discuss my interest in running for state bar director for district five when her term expires this year. I engaged in several discussions with her and with another former district five director, Andrew Tolchin, over the next several months about the commitment to being a state board director and what the position would entail. Based on my reading and understanding of the state bar board policy manual, I knew that I was qualified to run for district five as my office is located in Fort Wayne County, and I also knew that I would need to obtain 100 signatures from attorneys whose office was located within the counties that make up district five. So I began my signature collection efforts in October of 2020. It was difficult to say the least, since COVID had halted all of our in-person court proceedings and CLE. But I persisted throughout the fall and winter months and into February of this year to timely obtain all of the signatures that were required. With each signature request, I consulted the state bar website to confirm that the person I was contacting had their primary practice location within District 5. I had several attorneys from District 4 request to sign in support of my petition, and I declined those signatures because their office was located outside of District 5. As you know, District 5 is considered a rural district, which can often make it more difficult to obtain signatures. But the bar also added the benefit this year of allowing electronic signatures, which meant that there was ample time and opportunity for any candidate to acquire the requisite signatures from within the district. I believe that principal place of practice is defined as the location where an attorney holds him or herself out as practicing - not where you physically do the work, not where you market your practice, but where you have registered your

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practice with the state bar. If any person in the world looks up an attorney on the Texas Bar website, that address is what everyone sees and what defines your location. From a logistical standpoint, I imagine it would be a clerical nightmare to try to track the district of every attorney in the state of Texas who takes the position that his or her preferred location with the state bar is different from the principal place of practice. I'm not even sure how the bar would track or confirm that for the purposes of determining district. I believe that it would be unfairly prejudicial to permit Mr. Pattel to qualify for candidacy based on only 84 valid signatures. That's a 16% failure rate. By remaining a District 4 attorney, Mr. Pattel actually has more opportunity to qualify for candidacy, as there are three District 4 positions opening up next year. The election rules are clear regarding the requirements to run within the district, and I followed those rules to the letter in my efforts to qualify to run for director, just as every other state bar director, including the people on this committee, has done before me. We're all attorneys here. We know that rules and procedures are meant to be followed, meant to be relied upon and we know the importance of following them consistently. I respectfully request that you deny Mr. Pattel's appeal and permit me to continue to run uncontested in the District 5 race. And I appreciate everyone's time and consideration and thank you again for inviting me to share my position with the (unintelligible).

LARRY MCDUGAL: Thank you, Ms. Kern. Now it's time for discussion with the board members. Let me kind of go through here. If any board members feel that we need to consult with the legal counsel for the bar or the board, we have a closed session on our agenda, so we can move into closed session. If you wish to have a discussion and discuss this now, we can. Also, if there is no discussion or at the end of any discussion, I will entertain any motions on the appeal. Those motions will be one of two - one, to either deny Mr. Pattel's appeal and exclude him from the ballot or to accept Mr. Pattel's appeal and place his name on the ballot for District 5 director. Do we have any discussion, motions or - from any of the members of the executive committee? Ms. Firth, I see your hand. Please proceed.

SYLVIA BORUNDA FIRTH: I just have a question because the issue of post office boxes has been raised by Mr. Pattel, and I'm - am I correct in assuming that you use the zip code that goes to the post office box when determining the district, Mr. Cantu, yes?

RAY CANTU: Yes, that's correct.

SYLVIA BORUNDA FIRTH: (Inaudible) any clarification on that point.

RAY CANTU: Yes, that's correct. It's the zip code. The database calculates the zip code for that.

LARRY MCDUGAL: Anybody else have any comments or questions?

TREY APFFEL: Mr. President, just since it was raised, let me just clarify. Mr. Pattel made some reference to social media having my address or place of practice listed as League City, Texas, and that was true up to November 31 of 2017, at which time I closed my office and have been in Austin since that day. Thank you.

LARRY MCDUGAL: Thank you, Mr. Apffel. Any other discussion or comments?

REBEKAH STEELY BROOKER: And I don't have it in front of me, but when they're - when we are completing the form, as Mr. Pattel is indicating, indicating which - you know, our address, home address, work address, does it say at all any, you know, note - work address should be where you primarily practice?

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LARRY MCDUGAL: Mr. Cantu.

RAY CANTU: I don't believe that - Chielsey can confirm that, but I don't believe that there's a reference to that on the form. Chielsey, do you recall?

CHIELSEY BARBER: Not on the petition form. You are correct, Ray.

LARRY MCDUGAL: Chairman Ginn.

CHARLIE GINN: Thank you, Mr. President. I think it would be helpful if we could maybe move into closed session. I just have a few questions for our legal counsel, if that's OK. Unless there's a big objection on that. Just to ask a few questions on that, if that's all right.

LARRY MCDUGAL: OK, the time is now 10:16 a.m. on March 12, 2021. At this time, the state board of - state bar board of directors and the executive council will now recess the open meeting and reconvene in closed session pursuant to Texas government code Section 551.071 for the purpose of consulting with legal counsel regarding legal issues related to the appeal of Mr. Pattel. At this time, we will have a five-minute recess for our moderators, Chelsea and Jennifer, to put all members of the 2021 executive committee, including section representatives and liaisons into a breakout room for the closed session. All under - all other individuals and nonessential staff and other guests will remain watching the broadcast. We will be - the public will be five minutes from returning. Also just to note, because it's Mr. Apffel's decision is being appealed, Mr. Apffel will be excluded from the closed session. Any director who is attending by Zoom please turn on your video so we can visually confirm your identity. If you're attending via telephone only, please note that we have to verify your identity previously. And, important, please do not use the chat feature while we're in closed session for purposes of open records. We will now move to closed session.

UNIDENTIFIED SPEAKER: Larry, we should all be back now.

LARRY MCDUGAL: Thank you very much. The time is now 10:45 a.m. on March 12, 2021 and the open session of the executive committee meeting is now reconvened. During the closed sessions only matters leading to consultation with legal counsel, including concerning pending or contested litigation and potential matters, was taken - was discussed. There's no action taken in closed session. Now, back in open session. Is there any further discussion or do we have any motions to be made? Well, what I'm asking is we have this appeal, and does anybody want to make a motion to basically deny Mr. Pattel's appeal or to grant Mr. Pattel's appeal, allowing him to be placed on the ballot? Victor Flores.

VICTOR FLORES: I move to deny the appeal.

WENDY ADELE HUMPHREY: I second.

LARRY MCDUGAL: That the floor is moved to deny the official. Wendy Adele Humphrey seconds the motion. We will now call it for a vote. All those in favor of denying the appeal say aye.

UNIDENTIFIED SPEAKER: Aye.

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LARRY MCDUGAL: All of those opposed say nay. There are none opposed. Mr. Pattel, the appeal has been denied and that ends this portion of our matter. Do we have any report or discussion from Mr. Fischer? Mr. Fischer?

ROSS FISCHER: No, sorry, I don't have a standalone report. All my report related to the matters on today's agenda.

LARRY MCDUGAL: OK. Item No. 6, Mr. Sirman, do you have a report?

JOHN SIRMAN: Yes, we have a report for a closed session on other topics.

LARRY MCDUGAL: Thank you, Mr. Sirman. The time is now 10:47 a.m., March 12, 2021 and the State Bar Board of Directors executive session will now recess the open meeting and reconvene in closed session pursuant to Texas government code 551.071 for the purpose of consulting with legal counsel to include discussion of all pending and contempt of litigation, including the McDonald v. Longley case, which was argued in the Fifth Circuit Court of Appeals. The Law HQ be willing, which is in the Western District of Texas, and section 551.072 to deliberate the potential purchase of property at 1415 Lavaca Street in Austin, TX. At this time will have a short recess for our moderators, Chelsea and Jennifer, to put all members of the 2021 board, including section representatives and board liaisons, into a breakout room for a closed session. All other individuals and nonessential staff and other guests will remain watching for the broadcast - will remain watching the broadcast. We will notify the public when we're five minutes out from returning into open session. Any director who's attending by Zoom please turn on your video so we can visually confirm your identity. If you're attending by telephone, please note we have to verify your identity previously. Important, please do not use the chat feature while we're in closed session for open record purposes. We're now moved to closed session. Time is now 11:28 on March 12, 2021 and the open session of the Board of Directors Executive Committee meeting is now reconvened. During the closed session only matters relating to consultations with legal counsel, including those concerning or contemplate litigation matters and potential purchase of real estate at 1415 Lavaca Street in Austin were discussed. No action was taken in closed section. Is there any action or any discussion on any matters in open session? Hearing none at this time at 11:28 a.m., March 12, 2021. I will adjourn this meeting of the executive session. Thank you, everybody.