

## State Bar of Texas Executive Committee Meeting 04-06-21

TREY APFFEL: All right. Good morning. I've got 10 o'clock, so, Larry, we're ready to go.

LARRY MCDUGAL: Thank you, Mr. Apffel. The time is now 10 o'clock on April 6, 2021. I'm calling the meeting of the executive committee to order. All directors will be unmuted in a moment for roll call. With our agenda posting, we've invited members of the public to view a broadcast of the executive committee meeting which is live. This is being broadcasted at [www.youtube.com/statebaroftexas](http://www.youtube.com/statebaroftexas), one word. And you can watch us live at that site on YouTube. We will - we've also provided instructions on how to sign up to speak at today's meeting. As of right now, we have no speakers, so we can move past that. Please note, this meeting will be recorded, and the recording will also be made available to the public. Mr. Apffel, would you please?

TREY APFFEL: Thank you, Mr. President. Directors, if you'll please unmute yourself for roll call and then once roll call is complete, all meeting participants will be placed on mute. Mr. Alexander.

JERRY ALEXANDER: Present.

TREY APFFEL: Ms. Brooker will be running late. Mr. Crain.

ROB 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: Pick up.

TREY APFFEL: Ms. Harrison.

BRITNEY HARRISON: Here.

TREY APFFEL: Ms. Humphrey has an excused absence. Mr. Kolodoski.

MATTHEW KOLODOSKI: Here.

TREY APFFEL: Justice Lehrmann.

DEBRA LEHRMANN: Here.

## State Bar of Texas Executive Committee Meeting 04-06-21

TREY APFFEL: Mr. McDougal.

LARRY MCDOUGAL: Present.

TREY APFFEL: Ms. Miller.

EMILY MILLER: Here.

TREY APFFEL: Mr. Naylor.

STEVE NAYLOR: Here.

TREY APFFEL: Ms. Rhode, I believe is running late. Mr. Sorrels.

RANDY SORRELS: I'm here, so is my phone.

TREY APFFEL: Ms. St. Yves.

DIANE ST YVES: Here.

TREY APFFEL: Mr. Vasquez.

MICHAEL VASQUEZ: Here.

TREY APFFEL: Mr. Wester.

JAMES WESTER: Here.

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

LARRY MCDOUGAL: Thank you, Mr. Apffel. Now we're at agenda item number three, remarks from the general public. I don't believe we have any signed up. So we'll move on. To the directors, during the remainder of the meeting, if any board members or staff wish to speak at any time, please unmute yourself, raise your hand via the Zoom feature and state your name. I will call on you when it's your turn to speak, and I appreciate your patience if it takes a while to get to you. Now, it's basically my turn to get my report. And first of all, we need to make a motion. I need a second. I will make a motion, and we need a second to approve the January 12 and March - twelfth minutes. Any director who wishes to second this, please unmute and state your name.

DIANE ST YVES: Diane St. Yves, I'll second.

LARRY MCDOUGAL: Very good, we have a second from Diane St. Yves. All directors in favor, please say aye.

UNIDENTIFIED PEOPLE: Aye.

LARRY MCDOUGAL: Any opposed? All right. Now we'll move on to the next ones. What we're - next issue is, is I'm looking at creating a task force, and this is going to be an advertising review task force. Yolanda

## State Bar of Texas Executive Committee Meeting 04-06-21

Mares will be heading it up. Just to give you some background on it, what we're looking at doing because of the numerous complaints that we've received - I believe Sylvia also received those when she was campaigning, too - that we've put a task force together to basically go in to review, take a look, see what's going on and make recommendations. She is going to head this task force along with Al Harrison who is the committee chair for our standing advertising review committee. They will all be working together. All members of the task force - all members of the standing committee will be members of the task force. And that way, we can put this together and try to address the issues which we've been made aware of. I'm going to need a motion. I'll make a motion, and I'll need a second to approve the creation of an advertising review task force. Do I have a second?

CARMEN ROE: I'll second.

LARRY MCDUGAL: Thank you. Carmen Roe has made a second motion. At this time, all directors who are in favor, please say aye.

CHARLIE GINN: Larry, I have a question for discussion before we go.

LARRY MCDUGAL: Go ahead, Steve.

CHARLIE GINN: It's Charlie.

LARRY MCDUGAL: I'm sorry. I saw Steve raise his hand in my deal. OK, go ahead, Charlie.

CHARLIE GINN: I'm sorry. I just - so my question is this - with the vote, the referendum vote that just finished, advertising rules are changing. We've got a month or two or I guess three months left in this year. Is this the time to start another task force with the change of the advertising rules anyway and with the time we have left?

LARRY MCDUGAL: Well, Charlie, if I can - what we've got in issues I don't believe are issues really so much with the rules as it was customer service issue. The new software and everything is coming online, but we still are constantly getting complaints at least coming through to me, and I know Sylvia got a lot of them also about the advertising review. So what we're wanting to do and the reason we've done this is we've invited the current committee for advertising review to come forward and be part of this. And we're going to address those issues. And when I talked to Gene, we met with Gen last - I mean, Gene even admitted they had a problem. He believes that problem is no longer there. But we're still going to go into the issue, see what we can do to streamline it, make it a little bit better. Again, I don't think we have an issue with the rules. And I'm not expecting the committee to go into the rules issues that were addressed in the rules referendum. This is going to be more of streamlining on an administrative end from our end. And I think that's what we're looking to do. Now, if they come up with a concern about an existing rule, then I think that they may want to bring it up. But as this thing's heading up right now, it's really just kind of trying to change our administrative process and clean things up to make it more lawyer-user-friendly.

CHARLIE GINN: Don't you think, with the new changes that we're doing, that maybe a better time to do this is maybe after they get a chance to put some of those in place, that if we go in and start changing, it's going to make things a lot more hectic than maybe it needs to be, especially with the time we have left and especially with the other task forces that we have right now?

## State Bar of Texas Executive Committee Meeting 04-06-21

LARRY MCDOUGAL: Well...

CHARLIE GINN: We have, I think, four or five task forces going already. And I mean, that's just my thought. I mean, we're in April, and we're changing (inaudible). So that's the only reason I was asking this because it just seems like - are we biting off more than we can handle too late in the game?

LARRY MCDOUGAL: I don't believe we are, Charlie, because what we've got is basically in this year, with you as chair and me as president, we only have basically two and a half months left. And the charge of this group is going to be to get in there and make recommendations to Gene, make recommendations to the board and try to make our process a little bit more user-friendly. The rule changes and stuff I don't think are going to have any kind of effect or any kind of bearing on this. It's going to be just basically, what can we do to make our system better and more improved for lawyers? Anybody else have any comments or questions? Yes, Sylvia.

SYLVIA BORUNDA FIRTH: Larry, what is the timeline for the completion of the recommendations coming back?

LARRY MCDOUGAL: We're hoping to have it done before the June meeting.

DIANE ST YVES: My question would be, Larry, when I went through my process, what I received back was a lot of handwritten notes all over my website pages that I had submitted. And I'm wondering if this is more of an internal thing within the advertising committee or are you looking to give them recommendations for streamlining this and making it more logical? I'm just wondering if we need a task force or if this is more internal within that department. Does that make sense?

LARRY MCDOUGAL: Yeah, what we're doing is - I've heard that same complaint, Diane, from lots of lawyers in the way they get them back and what they've done. Now, understand we are going back - this new software ought to be coming online shortly, but we're working to address the issues basically like what you said. It is more of an internal issue, but this issue has been going on for quite a long time. So what we're wanting to do is put this task force together, ask people to actually study the problem, make recommendations to Gene. And really, I think it's just going to be a matter of tweaking things and kind of breaking out the old institutional way that we've been doing things and to get things moving forward. And that's the whole purpose of this. We're not looking to recreate the wheel. We're not looking to propose legislation. This is just to try to streamline things from within our agency to make things better and more user-friendly for the lawyers.

DIANE ST YVES: Could you just briefly explain the new software that we're talking about? That - I might have missed something somewhere along the line. I'm so sorry.

LARRY MCDOUGAL: We have new software coming online. It's not up yet, but it's going to mean - so instead of using the old process of taking your stuff, packaging it up, mailing it by regular mail to the advertiser review committee, we're going to have software now where you can turn around and submit it and send it in through the new software. And we're hoping that will streamline things and make things go a little faster. You know, one of the other complaints that we've gotten from so many lawyers is the time. You know, a lot of advertising, especially in the personal injury world, are time-sensitive. I mean, if you don't get those ads out and get them done, then, you know, you lose that advantage that was time-sensitive. And so we've been hearing a lot of complaints there. And that's another issue that we're going

## State Bar of Texas Executive Committee Meeting 04-06-21

to try to see what we can do to streamline and pick things up and make things better for our lawyers. OK, I think Rob had his hand up next. Rob.

ROB CRAIN: I'm just trying to define and understand the concern. I hear the efficiency issue. I hear maybe it's cumbersome and so forth. So it sounds like - what are the other concerns that may not be addressed by this new software?

LARRY MCDUGAL: Well, what I'm looking at with this - I mean, with the software, it's supposed to make things easier and you don't have that delay with the mail and getting the letters back. But what we want to do is make sure that this process is more streamlined, and it works better, and it's more efficient for the lawyers. And pardon my dog but a truck's in front of the house, so he's having to tell me about it. But it's the - that's what the purpose of this thing is, is to streamline, make everything more user-friendly for the lawyers involved and for those - I mean, I hear a lot of complaints from personal injury lawyers when things are time-sensitive, they're not getting their approval back. So their ads are not in time, so it's not effective. And those are the kind of things that we want to address.

ROB CRAIN: But I guess my question is, is there something outside of this new software? I mean, is the new software supposed to address all those things? Shouldn't we try to see if the software actually does the trick?

LARRY MCDUGAL: The software is not up and running yet. We're hoping to get it up and running soon. But what - a lot of the issues, as far as time-sensitive, you're going to shave some time off without having to use the mail. But our belief is, is there's been some issues also within the advertising review section. And we want to address those issues also. And that's - I mean, there's just a lot of things we want to try to do to make this process easier and better for lawyers. And that's why we're wanting to put this together and get this thing done. Anything else, Rob? Steve, I saw you actually raise your hand. Did you have a question or comment? Steve did you...

STEVE NAYLOR: There we go. (CROSSTALK)

STEVE NAYLOR: I should have reached for the raise your hand button. I apologize. You kind of covered my two questions with Charlie's and Rob's. I was just kind of curious about - I didn't want it to seem like we were rushing something without looking at it longer, but you've answered my questions. I appreciate it, sir.

LARRY MCDUGAL: Thank you, Steve. Alistair?

ALISTAIR DAWSON: So my suggestion for your consideration, Larry, is rather than form a task force now, why not ask the chair of the advertising committee to make a report to Trey that says, look, here are some of the problems we've experienced here, some of the complaints that we've heard and here's what we're doing to address them, and let them take a stab at fixing their own issues - if there are any issues. And I accept that maybe there are. I don't have any personal knowledge of that. But let them make a recommendation for how they want to address this situation first and let either Trey or Trey and this board or whomever assess their own recommendations before we form a task force. So that's my suggestion.

LARRY MCDUGAL: Well, Alistair, interesting response to that. Part of what we've asked is Al Harrison, who chairs the committee is - we're basically wanted to expand on this committee, put a tight deadline

## State Bar of Texas Executive Committee Meeting 04-06-21

and everybody get to work. It's not like we're going to exclude the current committee that we have for advertise and review. In fact, we've asked Al and all the members of the committee to be a part of this so that we can all kind of work together and try to get something done and get it to the board before the end of this current bar year in June. And that's kind of what our focus is and why we're wanting to put this together now and get it done. Anything else to Alistair?

ALISTAIR DAWSON: Nope.

LARRY MCDUGAL: OK. Victor.

VICTOR FLORES: I actually think Randy may have been before me. Randy, do you want to go first?

RANDY SORRELS: No, go ahead.

VICTOR FLORES: My question, Larry, how many more tasks - how many of our task forces are still ongoing and what's the status of those other task forces - as in the remaining work to be done for the bar year?

LARRY MCDUGAL: OK, the ones that we have going right now is the one - grievance review has actually been working hard and still going, and we have a report scheduled for that one for June. The one on the getting in the courthouse access badge is pretty much over. It's not going any further. The one on the effective mission - yeah, the criminal procedure, we've actually kept it going and had a meeting yesterday. So it's still going forward and dealing with these new issues on live virtual courthouse proceedings. And in fact, that's a really good one 'cause it's basically five defense lawyers, five prosecutors, five judges. And the Supreme Court has really kind of taken up when we've made recommendations. They've been very receptive to the recommendations and everything that we've made. And then the last one that I have proposed - I have one more today, which is one which I'll propose in a little bit, but it's basically a more of a think tank to come up with ways that the bar can assist lawyers who are basically having troubles getting through the pandemic.

VICTOR FLORES: Yeah, so, Larry, my only concern is bandwidth, right? Making sure we have bandwidth to really address the priority of issues and, I think, this might be one of those issues that we might be getting the cart before the horse. That's my only comment. But kudos to you on the other committees for sure. A lot of great work being done there. I just want to make sure those other committees are allocated the resources and time that they deserve.

LARRY MCDUGAL: Yeah, well, understand...

VICTOR FLORES: No other comment.

LARRY MCDUGAL: ...With resources, just so you know, now that we do everything by Zoom there's basically no expense. I mean, we set those things up. We get them going. They meet. They produce their report. So we get it out that way. And we've kind of chosen - at least I chose to put the advertise and review last because I knew we had the issues coming with the new software and all that stuff coming up. I knew we also had the referendum. So now we have it coming at the end of the referendum to address issues. And again, it's not one where we're trying to reinvent the wheel. We're just trying to get - if these complaints have been ongoing for years, it's time to put our foot down and let's just address and figure out what's going on. And that's, again, why we invited the entire committee to be there.

## State Bar of Texas Executive Committee Meeting 04-06-21

VICTOR FLORES: And my only point, Larry, is I'd like to see what that software does before we expand in bandwidth and maybe those issues get resolved in the next month or two. And, I think, maybe 'cause given - if I piggyback off what Charlie said is maybe giving that - and others have said that to you - should we give that a chance first?

LARRY MCDOUGAL: OK. Randy?

RANDY SORRELS: So I think if you went back and looked at the minutes Tom, Vick started to try to work on this and it continued, I don't think may have taken a break with Joe, but I tried to work on it also, and it's a continuing problem. And I would encourage you, Larry, to do it. And I would support it and I would encourage Sylvia to consider keeping it going. In case you all don't know some of the issues, if you ask for - if you send a request in for an advertisement, you have to send it in and at one point in time it would come back - and it didn't bother me, but it bothered some people - with big, red magic markers with arrows saying this is what's wrong and that's what's wrong. To me, that was perfectly fine 'cause it showed exactly what was wrong, but it offended a lot of people. Other times they've written really long letters explaining rule 13.3 open print A. Close print, open print six, close print - and people don't understand that. There's got to be a good way that gets to most of our people, but I agree with Larry. It's a continuing source of headache for the practitioner through no fault of anybody's other than we've got to just keep working and involving the system. And, I think, a task force may be just another set of fresh eyes to try to look at it. So I support you, Larry, because I hear the same thing that you're hearing as well.

LARRY MCDOUGAL: Thank you, Randy. Anybody else have any other questions? OK.

ROB CRAIN: Well, to that point, Sylvia, is this something that you support moving forward through potentially into your year? And, Trey, I'd like your input if you've got any.

SYLVIA BORUNDA FIRTH: So I will echo what Randy said. I heard a lot of complaints, and as Larry mentioned to when I was campaigning, and it was across the board from some of the biggest law firms down to the solo practitioner. And some of them are just, I think, are internal things that can be addressed by the committee. But yet - the short answer to your question, Rob, is yes. I have concerns about it, but I was also waiting to see what the new software would do to remedy some of those situations. But I don't have a problem if we identify - at least identify the problems and say these are the things that we have collectively heard over the years, and are any of these going to be remedied by the software and kind of move forward and do a check later? Because there are some other things besides the software that - and I was trying - was actually actually looking to find some of my notes. But there are things like this. This - and this was told to me in Dallas by one of the very large firms. In fact, their firm administrator gave me their markup and showed me what had gone back and forth. But one of the things they complained about was if you have a client list, a list of representative clients, if they are in your office you're permitted by the rules to hand that across the table to somebody and say I've spoken to all these clients. These are references, past clients, blah, blah, blah. But you can't post that on your website. And that was seen too nonsensical to them. It's like, you know, no, but - you know, especially these large law firms that are doing business across, you know, across country and they're saying people go first to your website to research who you are. So there's issues like that that we know the software is not going to take care of. So I - yeah, I actually do support at least looking at it, but I'm kind of - I'm in the middle somewhere where it's like, OK, let's identify the problems, turn them over, wait and let - see

## State Bar of Texas Executive Committee Meeting 04-06-21

what the software fixes, see what the committee comes up with, and then do a check maybe midyear next year to see where we are. I don't know if that's helpful at all but...

LARRY MCDOUGAL: Rob, does that answer your question?

ROB CRAIN: Yeah. I think Trey was going to jump in too.

TREY APFFEL III: Yeah, I - what I would add - we'll handle whatever we're tasked with, but we are moving forward with a whole new system. We've got new rules. We've got new software. We have presented basically those two aspects of our moving forward and sort of started putting those problems that - I mean, in terms - what I caught onto was Larry's comment about putting our foot down. I think, we've already put our foot down. We have changed our software planning arrangement. We have gotten new rules instituted that we're going to be moving forward with. I would - I mean, I've got Gene Major on the line as well and in the meeting. And, Gene, if you could just talk a little bit about how this new software is going to totally change the approach of our ad review process and effort.

GENE MAJOR: Thanks a lot, Trey. Thanks a lot, Larry, and everybody else. You know, a couple of things, you know, we have also heard some of the complaints as well. And that's why, you know, when president Vick wanted us to start revising the rules we started with the idea of trying to make it more, quote-unquote, attorney user-friendly. We've also - you know, the idea of having - everything had to go through the mail, the idea that you had to - the reason why we circle things and put a rule by it is because it relates directly to the letter that is also sent that we revise to make it more user-friendly as well. That denotes exactly what the rule number is, and we try and give an explanation to the rule if possible. And we also try and give an idea as to a way to fix it. That's why some of the information we give may seem a little lengthy if you were to read it and digest it all (inaudible) understand that that correlates to exactly what we tried to circle on the ad. Reason why we did this - 'cause we didn't have software like that before. Now we'll be able to go - attorneys will be able to go to their - through their My Bar Page, electronically submit their application and their advertisement to advertise and review. It will come up into our database. We'll be able to review it and actually put - not necessarily circle, but we'll be able to put lines off to what we see and type something out in terms of the rule, in terms of an explanation, and be able to send that back through an email that the attorney or the marketing representative will get an email - will get a notification that they have something from advertise review. They'll be able to open that, see the actual rule and then click on the actual violation. That will obviously make things a lot easier for people to see and to understand and to be able to send back and forth to us, 'cause you're right. We had to send stuff through snail mail for a long, long time. We went ahead and tried to do things through email as much as we can, but right now you can't even pay online to advertise and review. You'll be able to do all that through the new system. And again, it's tied through the attorneys' My Bar Page. With the new rules you have to understand that a lot of our responses is tied to the rules. These rules have not been changed in - since 19 - since 2005. A lot of our responses and a lot of the way we do things are going to change once we get the new rules in place. There's a lot of things that are going to change in terms of past successes and results that are going to make it easier for attorneys to go ahead and put those on their website or put those wherever they want to with - while making sure they're not false and misleading makes our recommendations or our response to attorneys and to those ads a lot more user-friendly as well. In terms of large firms - I'm working with a large firm right now. I just sent their marketing person an email this morning on their new website. In terms of being able to list clients and things like that, you can do that, but you have to send us a list as well. Not in the ad. Doesn't go anything but into our file. So I feel like we're kind of trying to answer some questions where we don't necessarily have an idea as to what the total question was or what the

## State Bar of Texas Executive Committee Meeting 04-06-21

scenario was. But rest assured, we are working. We have heard these comments before. We're working with the new software that's going to expedite things and make our answers a little bit easier and, I think, make our explanations a little bit more easier for attorneys to understand. All of this can be done electronically. The new rules are going to obviously change a lot of some of the technical things that advertise and review staff had to go ahead and... (CROSSTALK)

GENE MAJOR: ...I think, is going to free up attorneys and free up our responses as well.

TREY APFFEL III: And, Larry, if I could just add to that. Thank you, Gene. The software - the new software will be implemented probably within the next 30 to 45 days. The new rules we anticipate going into effect July 1 or thereabouts. Thank you.

LARRY MCDUGAL: OK. All right. Anybody else have any other comments? OK, I guess we'll put it to a vote. We have a second from Carmen. Do we think we need to do this as a roll call vote?

CHARLIE GINN: Probably.

LARRY MCDUGAL: Yeah, let's do it as a roll call vote. Chelsea?

CHELSEA: Yes, Trey will call everyone's name and Jen and I will mark it.

TREY APFFEL III: Miss Brooker? Still not here. Mr. Crain?

ROB CRAIN: Nay.

TREY APFFEL III: Mr. Dawson.

ALISTAIR DAWSON: Nay.

TREY APFFEL III: Miss Borunda Firth?

SYLVIA BORUNDA FIRTH: Yes.

TREY APFFEL III: Mr. Flores.

VICTOR FLORES: Nay.

TREY APFFEL III: Mr. Ginn.

CHARLIE GINN: Nay.

TREY APFFEL III: Miss Harrison?

BRITNEY HARRISON: Nay.

TREY APFFEL III: Mr. McDougal.

LARRY MCDUGAL: I.

## State Bar of Texas Executive Committee Meeting 04-06-21

TREY APFFEL III: Mr. Naylor.

STEVE NAYLOR: Nay.

TREY APFFEL III: Miss Roe.

CARMEN ROE: I.

TREY APFFEL III: Mr. Sorrels

RANDY SORRELS: I.

TREY APFFEL III: Miss St. Yves.

DIANE ST. YVES: Nay.

TREY APFFEL III: Mr. Vasquez?

G. MICHAEL VASQUEZ: Yes.

TREY APFFEL III: Mr. Wester.

JAMES WESTER: Nay.

TREY APFFEL III: I am showing...

UNIDENTIFIED SPEAKER: Yeah.

TREY APFFEL III: Five yes and eight no.

LARRY MCDOUGAL: OK. So the motion fails. All right. Let's move on to the next one - action item number E, consider and discuss approve the creation of a work group on Texas lawyers' needs arising from the 2020 pandemic and the 2020 or 2021 winter storm. Give you a little background on this if you don't have it yet. This is one where I've asked Roger Key and Cindy Tisdale to co-chair. They've each got other members. This is basically create a think tank. We've asked also that our director of member benefits also be involved and Corey. And what this is, is basically a group that's going to work for the last quarter or until the June meeting and try to come up with ways and things that we can do that can assist lawyers getting through the pandemics. I personally have been get a lot of comments from lawyers. They're - it's nothing that we've done as a bar, but they're starving out there and they're hurting. And with the courts now just starting to reopen there may be some end in sight to that. But so many of our lawyers depend on things such as court appointments and they're not getting them, and the work's not there. And just a whole host of other issues. You know, possibly work on ways to get loans, not through the bar 'cause I'm opposed to the bar becoming a bank. But ways to get things for the lawyers to help the lawyers so the lawyers can better serve their clients. Anything we could do - programs, benefits, discounts, all kinds of stuff. I know we've already been kind of working on this, but this is a think - basically a think tank. It'd be headed by Roger and Cindy and they will be working with the committee to - an work group to try to get

## State Bar of Texas Executive Committee Meeting 04-06-21

these things put together and come up with some ideas and ways that we can help lawyers a little bit better cope with this. OK, I will make a motion and I need a second.

ROB CRAIN: Second.

LARRY MCDOUGAL: And who was that? I didn't catch that.

ROB CRAIN: Rob Crain.

LARRY MCDOUGAL: Thank you, Rob. All right. We have a second. Any director that wishes to make any statements or anything now is the time. OK, with that, I will call for a vote.

DIANE ST. YVES: Larry - sorry.

LARRY MCDOUGAL: Sure.

DIANE ST. YVES: One of my questions about the think tank would be related to TLAP. If there's any sort of mental health issues or things like that, will we incorporate TLAP into this?

LARRY MCDOUGAL: I have no problem bringing TLAP into this. I'm a big fan of TLAP. As you know, I'm the one that was trying to get an additional employee into TLAP to help them work. I know they have been bending over backwards working on this and the mental health issues and that's something that we cannot ignore. So, yes, TLAP will be greatly involved.

DIANE ST. YVES: OK, thank you.

LARRY MCDOUGAL: Yes, Charlie.

CHARLIE GINN: I just have two questions. The first is, I guess - I just wanna make sure I understand. This is a think tank for resources for people that are struggling - lawyers that have struggled financially through COVID? Is that - am I just totally...

LARRY MCDOUGAL: Not just financially. I mean, with all areas and aspects of their practice be it mental health, be it financial, whatever. It's a think tank that will be headed by those two to come up with solutions and ways to help lawyers.

CHARLIE GINN: OK. And then my second question is kind of like my kind of concern a few minutes ago. It was just - I think Victor used the term bandwidth. I think it's a good one. I mean, it's maybe more of a question for Trey. I know Trey and our staff are always so good about saying we can handle whatever, but we obviously have a lot of projects, not just on task forces, but that are committees that are trying to finish for the year. We have the - we truly have the ability to help with this. That's my question. Either, Larry or Trey. I don't - I just - whatever y'all think.

TREY APFFEL III: I just said before, we're ready to take on whatever we're tasked with. So I'll just leave it at that. So we're good to go.

CHARLIE GINN: Larry, do you think that - I mean, do you think this is going to take a lot of our staff's time?

## State Bar of Texas Executive Committee Meeting 04-06-21

LARRY MCDUGAL: No. The only thing the staff's going to have to deal with is Jennifer and them setting up the Zoom meetings, and Roger and Cindy is going to take care of everything else.

CHARLIE GINN: OK.

LARRY MCDUGAL: James.

JAMES WESTER: Yeah, I was just - my question was you mentioned something about June. Is this - will this work group continue on past June into next year? Because it seems like a pretty short timeline.

LARRY MCDUGAL: If we're making progress we may ask that they continue, if we're seeing a lot of progress out of it. It may be that Cindy and Roger get this thing done. I've asked them try to at least have a report to the board by June. And if they come back and request additional time then I believe we'll probably come back to the board and ask that they be extended for a period of time.

JAMES WESTER: OK.

LARRY MCDUGAL: Depends on the progress they're making.

JAMES WESTER: Thank you.

LARRY MCDUGAL: This is designed solely to help lawyers and nothing else. Yes, Steve.

STEVE NAYLOR: James asked my first part of my question. What do you expect to accomplish in three months? But my second is, is this kind of stepping on - don't we already have a group that deals with member benefits and, you know, all the things that the bar provides for you? Are we doubling up or just creating a bigger bureaucracy, I guess is my...

LARRY MCDUGAL: Well, we've asked Corey to be a part of this for that very reason is that we want Corey in here, and this gives him additional resources, ideas, people talking, working to try to see how we can increase any kind of member benefits that go to the lawyers. I mean, this is something that we're putting together to try to help benefit lawyers and get through this crisis. And that's our purpose behind this.

STEVE NAYLOR: OK, can I do the same thing - and, forgive me - can I ask president elect? 'Cause, like I said, I personally don't see you can get this done in - anything, anything really accomplished in three months, but I would love it if we could. Is this something that you want to continue during your presidency? 'Cause I just think for it to be effective it would have to. And if it's not something you think is a real need, I'm just not sure we need to go forth with it. So I'll ask you to answer that and I'll get off.

SYLVIA BORUNDA FIRTH: Thank you, Steve. So I guess I'm having the same question, Larry, is if we're - if they're just going to identify some things that maybe we could be doing and then have a report in June and then we can look at it to see if that's something we want to continue into the next year, I think I'm OK with that. But I'm a little more concerned about raising expectations about things that the state bar can't really do. I mean, when you start talking about, you know, getting them court appointments and doing things, I'm a little bit in a quandary as to what it is that you think that this separate group aside from our benefits people who are already, as Steve pointed out, they're already out there looking, I'm

## State Bar of Texas Executive Committee Meeting 04-06-21

sure, for things that can be done and TLAP, et cetera. What in addition do you anticipate might come from this?

LARRY MCDOUGAL: Sylvia there's...

SYLVIA BORUNDA FIRTH: I need to carry over.

LARRY MCDOUGAL: Yeah, this cannot get court appointments, things like that. The thing about court appointments was just kind of my explaining why we got so many lawyers out there. There's a large faction of lawyers that basically make their living off doing court appointments. And those lawyers during this pandemic through really no one's fault, but it's 'cause of the circumstances, have been put in a position where their income has been knocked down to nearly nothing. And I'm hearing lawyers complain about how they've gone through the reserves. They don't have any money. I mean, what I want to do is I want the bar to be seen as someplace, somebody that's actually trying to, within our limits and our guidelines, benefit the lawyers and help the lawyers and help them get through this so they can maintain their practices and, as the courts are now starting to open, they can get going and get them off and running. And that's kind of what our focus on this one is, is to help the lawyers put this together and get through this. It's a support network of us trying to help the lawyers. And like Richard says is, if we come up with ideas and we get things in place but if we have a broader picture that comes, then - you know, then I would suspect that we would be coming back to the board asking the board to expand this if we're getting the progress or seeing the efforts that we're hoping that we get. Does that make sense? Did I explain that, Sylvia? OK, Victor.

VICTOR FLORES: Yeah, Larry, I was just thinking that the - I agree - right? - we all are there for our fellow attorneys. And there are definitely attorneys that are struggling. And I think it's great that you pointed that need out. We need to address it. I'm hesitant on whether a task force is the appropriate tool for that. I think something a little more permanent like the membership - member services committee would be best to address those issues if we can maybe cement those concerns directly to the committee and have them give us a report, a committee report, at our June meeting, I actually would be more comfortable with that.

LARRY MCDOUGAL: Well, I see what you're saying, but the thing is, you know, we're coming out of this now. And what we want to do, what I want to do, I think most of the lawyers like to see is our bar taking an aggressive effort to do things to help the lawyers as they're struggling getting through this. And that's what we're trying to do, is put this group together so we have a visible face for the bar out there actually making efforts. And I can't think of two better people to run it than Roger Key and Cindy Tisdale and - because Roger has the civil side, Cindy's got the family side which kind of falls over to the other sides. And I think it's a great - the lawyers will see that the bar is trying to do something for them because we are trying to do something for them, and we are trying to get things out there. We're trying to get benefits to them. We're trying to give them the resources they need, and they see that. And it's - I think it's very important that we do these kind of things. I mean, you know, TLAP has been huge, and he is - I mean, they've been out front on this thing. But I like to coordinate with them and get everything put together so that our lawyers actually see the bar cares, and we're out there working because - I mean, I know our staff are doing things, but what does the lawyer say right now? They don't see much of anything coming out. Not because we're not doing it, but it's just not really being publicized that well out there. We need to actually put a face on the bar and get these people out there and let this committee go to work. And they can work with the other committees within the bar. I have no problem

## State Bar of Texas Executive Committee Meeting 04-06-21

with that. But we need to get something out there so that the lawyers can see and get results for the lawyer so we can help them get through this.

VICTOR FLORES: And, Larry, I don't disagree with you. I think you're spot on. I was just thinking of lining up efforts and resources. A lot of times, when you add different layers of the process, it delays things, and it works counter to the objective. And I think if we can keep it in one committee and add those individuals to have input into that committee, I think you're moving - you're going to move forward faster, considering that we have a really important issue that needs to be addressed now. And I think just efficiency would be increased if we left it to the committee. That's - I agree with you 100% on the principle of it. I just was thinking about a good way to put it forward.

LARRY MCDUGAL: Wait a minute - just so you know, Roger picked members. Cindy picked members. I didn't pick members. They just basically put this thing together, and, I mean, they're excited about getting it going and starting to work on this thing. And by doing this, we can actually provide - I think, get something going a lot faster, is my view, if we do it this way, because it - they will have a time deadline and straight on try to get something done. OK. Any other questions? All right, at this time, I think - did I receive a second yet? I don't believe - I'll call for a second.

ROB CRAIN: I did, Rob Crain.

LARRY MCDUGAL: Thank you, Rob. All right. At this time, let's call for a vote. All in favor say aye.

UNIDENTIFIED PEOPLE: Aye.

LARRY MCDUGAL: All opposed, say nay.

UNIDENTIFIED PEOPLE: Nay.

LARRY MCDUGAL: Three nays. I believe the ayes have it. This movement will pass.

CHARLIE GINN: I move for a roll call vote.

LARRY MCDUGAL: Let's move for a roll call, then. OK, Trey.

TREY APFFEL: Mr. Crain.

ROB CRAIN: Aye.

TREY APFFEL: Mr. Dawson.

ALISTAIR DAWSON: Aye.

TREY APFFEL: Ms. Borunda Firth.

SYLVIA BORUNDA FIRTH: Aye.

TREY APFFEL: Mr. Flores.

**State Bar of Texas Executive Committee Meeting 04-06-21**

VICTOR FLORES: Nay.

TREY APFFEL: Mr. Ginn.

CHARLIE GINN: Nay.

TREY APFFEL: Ms. Harrison.

BRITNEY HARRISON: Nay.

TREY APFFEL: Mr. McDougal.

LARRY MCDUGAL: Aye.

TREY APFFEL: Mr. Naylor.

STEVE NAYLOR: Aye.

TREY APFFEL: Ms. Roe.

CARMEN ROE: Aye.

TREY APFFEL: Mr. Sorrels.

RANDY SORRELS: Aye.

TREY APFFEL: Ms. St. Yves.

DIANE ST YVES: Nay.

TREY APFFEL: Mr. Vasquez.

MICHAEL VASQUEZ: Aye.

TREY APFFEL: Mr. Wester.

JAMES WESTER: Aye.

TREY APFFEL: I have three - or Ms. St. Yves, what was your vote, please?

DIANE ST YVES: Nay.

TREY APFFEL: OK, four nays and - how many? - nine ayes.

LARRY MCDUGAL: This motion will therefore pass. That ends my report. Before we go to Mr. Apffel's report, I believe Justice Lehrmann would like to address us out of order. Justice Lehrmann.

## State Bar of Texas Executive Committee Meeting 04-06-21

DEBRA LEHRMANN: Thank you very much, President McDougal. I appreciate it. I'm sorry, but I'm presenting a CLE very shortly, so I need to get going on this. I want to, first of all, thank everybody. This discussion of the last hour just exemplifies what - or certainly this last one about what we're all struggling with and going through. And it's very, very difficult. We are looking at these issues from our end. We're going to have a huge, huge backlog - or we do have a huge backlog. I think from - during the entire year, from March through February of '20 through '21, there were something like 222 jury trials, and we typically were having close to 190 jury trials a week. So think about that. Within the civil context, mediation has been a godsend and has really helped out a lot. And so we really don't have a big backlog miraculously in the civil courts. But the criminal courts are just - it's a big, big deal. And so I hope on your committee, president, that you will have some criminal lawyers on that because that's an area that we need to look at. Obviously, there is going to be need for a lot of court appointments and things as - and also judges that are going to come in, visiting and retired judges, to pick up the slack and try to get everybody caught up a bit. But it's a big deal, and we're very aware of it and very, very appreciative for everything that the bar is doing. All of you, staff, Trey, all of - everybody at the state bar, as always, just goes above and beyond. With regard to the court, we are continuing our remote work at this time, those oral arguments - which we have finished all of our oral arguments for the year. And starting in September, I'm sure that we'll go back to work as usual in terms of oral argument. That decision hasn't been made, but that's what I anticipate happening. But we had oral arguments all by Zoom since last March when this first - when the first emergency declaration was declared by the governor and have ever since. We continue to have our conferences by Zoom, and very few people are going into the office at the court. So since I last reported to you all, we've had four new emergency orders for a total of 36. We've - the Texas Eviction Diversion Program, the court's continue to issue a number of orders on evictions, but the only one that now continues to be in effect is this one. It's now rolled out statewide. It was originally piloted in 19 counties, and in February 15, it became effective in all counties. As you all know, it's designed to help curb the surge in evictions due to the pandemic, and it's meant to benefit both tenants and landlords. It's optional, but the landlord and the tenant must agree to participate, and it will pay up to 15 months of back and future rent and utility arrears for tenants who are affected by the pandemic and who meet certain eligibility requirements. The funds available for the program are substantial. Texas received \$1.9 billion for rental assistance and eviction diversion from the recent federal appropriations bill. And this is in addition to the 171 million the governor and legislative leadership agreed to dedicate to rental assistance, eviction and legal aid last fall. With regard to our general orders, EO 36, we renewed this general emergency order until June 1. As you all know, EO 36 took effect on March 5. This was three days after the governor issued his executive order relating to the reopening of Texas in response to the pandemic. Because the governor's order did not rescind the disaster declaration order that he had issued last year, our emergency orders remain in effect until we rescind, amend or allow the orders to expire. Under our last renewal, much of that order remains intact, but there are some significant changes. So courts continue to have much discretion to modify or suspend deadlines and procedures, including those set by a statute, except that all deadlines and procedures must be modified or suspended to avoid risk to court staff, parties, attorneys, jurors and the public. Courts can still allow or require any court participants to participate remotely without consent. Courts must allow remote participation by any court participant other than a juror upon, quote, "good cause shown." This is a new provision new to our emergency orders. Courts may take any reasonable action to avoid exposure and that EO 36 makes it clear. Reasonable action does include social distancing and mask - and the wearing of masks. So courts can order this, but they don't have to. The order provides that courts, quote, "should use reasonable efforts to conduct proceedings remotely." This is a slightly lower standard than before where we use must language. Now it's should language. Courts are no longer prohibited from having in-person proceedings, but the local administrative district judge must consult with other judges in the county to develop minimum standard health protocols and in-person

## State Bar of Texas Executive Committee Meeting 04-06-21

proceeding schedules. The order removed the requirement that courts have operating plans on file with the Office of Court Administration. The prior general emergency order prohibited justice courts and municipal courts from holding in-person jury proceedings, including jury selection and jury trials. However, now all courts may hold in-person jury proceedings if certain requirements are met, and they have to do with the safety and welfare of the participants and the public. Courts continue to have the authority to conduct remote jury proceedings with certain limitations. OCA will continue to issue best practices, but not the mandatory guidance they had been issuing throughout the year. In child protection cases, there continue to be specified limits on the court's ability to extend the dismissal date that's required under the family code. Since March 24 of 2020, there have been over 1 million remote proceedings, with more than 3 million participants in Texas. I think Texas has set the gold standard for this throughout the country. And one thing that we're looking at is continuing remote proceedings in such a way that will benefit the public. And we have a committee that's looking into that. Like I said earlier, the exact numbers from March 20 to January of 21, there were 222 jury trials total, and we typically have 186 every week. So we have a substantial backlog that we've got to figure out how to deal with. Relating to the winter storms, the court issued an emergency order permitting out-of-state lawyers to practice temporarily in Texas if they're providing pro bono services to victims of the storm. Thankfully, hopefully, this very, very challenging year is about to be behind us and we can get back to normal. Like I said, I anticipate that the court will be starting business as usual, I hope, next September. But of course, that decision has not been made. That's just my speculation about what's going to happen. You all have gone above and beyond. I know that the bar is gradually starting to institute things. Our, pretty much, approach of the court has been to continue to recognize the safety issues involved with the pandemic. And the presumption is still to take precautions but that in-person things can begin. We hope that everyone will be mindful to give people time to prepare for that. Don't just say, you know, OK, tomorrow we're going to start business as usual. Make sure that people have time to know and, of course, that those who want to get vaccinated will be given enough opportunity, enough time to make that happen. So, again, thank you all for everything, all you're doing. It's just been an amazing year, amazingly challenging. And without leaders like you throughout the state, it would not have gone as well as I believe it has. So thank you very much.

LARRY MCDOUGAL: Thank you, Justice Lehrmann. Also just to kind of back up, I skipped over item B in the president's report. Let you know that Wendy-Adele Humphrey and her committee gave me two names, and I chose Kelly-Ann Clarke out of Dallas to be our director at large. Give you some background on Kelly-Ann. She was very, very active at TYLA. She's active through our bar. If you've ever been at the bar leaders conference, she kind of MCs the deal there and staying active there. She's also a delegate with the ABA and currently lives in Dallas and works for AT&T. And just in case you all are wondering, if you don't know Kelly-Ann, she is an African American female and probably one of the, I mean, most outgoing, brightest, friendliest individuals that I know. And she is my choice and who I have nominated to be our at-large director for the upcoming year. And now I think I'm caught up. And with that, let's go to - Mr. Apffel, time for your report.

TREY APFFEL: Thank you, Mr. President. And I congratulate you on your choice of Kelly-Ann for the at-large director. Well done. Thank you for this opportunity. I want to give you a general report, including updates on our rules about referendum, some Texas Law Center repairs and the potential building purpose - purchase, rather. As noted at the last executive committee meeting, Texas lawyers overwhelmingly approved the 8 proposed amendments to the disciplinary and procedural rules over a month-long voting process that ended March 4. Congratulations to our CDRR committee and all the hard work that went into this from our state bar staff and our state bar leaders. Job well done. The Texas Supreme Court now may adopt or reject the proposals approved by the membership. The court

## State Bar of Texas Executive Committee Meeting 04-06-21

has ordered a hearing to consider the proposed rule amendments from 9 a.m. to noon on May 4 via teleconference. The hearing will be broadcast on the court's YouTube channel, and the amendments proposed effective date is July 1, 2021. With regard to the annual meeting and local bar leaders conference, as you know, we've made the difficult decision to cancel the in-person 2021 state bar annual meeting that was scheduled for June 17, 18 in Fort Worth. While the pandemic, again, prevents us from holding an in-person annual meeting, we are working to offer key features of the meeting in a virtual format, including the swearing in of President-elect Sylvia Borunda Firth as our new president and some of the planned CLE programs. We'll have more information about the online event as those details are taken care of. Also, we are rescheduling our local bar leaders conference this year from July 2021 to January 2022 in Houston. We plan to return to a normal schedule for the July 2022 conference. With regard to the Law Center, I wanted to report to you - and some of you may already have some background knowledge about this. We've had some ongoing groundwater infiltration in the parking garage down on the P2 and P3 levels of the Texas Law Center. These are leaks that have occurred over time since the building was originally built back in the 70s. The whole Capitol complex, as luck would have it, seems to be sitting on various tributaries of Waller Creek. And that particular fact has impacted construction efforts throughout the entire Capitol complex area, especially around the Capitol north of Congress avenue. The bar has previously attempted to put some stopgap measures in place to help with this water infiltration down in our parking garage levels. We have hired, at my request, a professional engineering company, Wiss, Janney, Elstner Associates, or we call them WJE, to help us design a plan to improve our waterproofing and drainage systems down in those areas. We will continue working through this with our engineers to seek the best solution to this problem. Any repairs needed will be paid from our Law Center Fund, so we are well-situated for that contingency. With regard to the Lavaca - 1415 Lavaca property, we are moving forward with that. Work is still underway to finalize the potential purchase of the building and property. And we will have a further detailed update for you in closed session. As Justice Lehrmann was speaking of a moment ago, things are beginning to, I'll say, get back to normal, slowly but surely. I am excited to be able to update you regarding the state bar's return to office planning. To ensure a safe and cautious return for all of our staff, the process of returning to the building will be implemented in four phases, starting with phase one on April 15. We will safely and gradually build up occupancy in the offices and the law center, with a goal of reopening to all employees by September 1. This timeline is tentative and subject to change. We are continually watching the data, the science, the medicine and the guidelines that are being put out by CDC. We want to make sure that we've got all of that information available to us so that we can safely return to the office as we see things opening up all around us. Texas Bar CLE events are scheduled as webcasts at least through June 30. But we are working on plans to safely return to in-person meetings, and we'll keep you posted on that. I know a lot of people are raring to go to get to some of these meetings, and I think it's a wonderful thing. It'll be a great change in mindset for a lot of people. It will help out a lot. The state bar, I am proud to continue to report, has remained fully functional and fully operational during the pandemic, with the exception of in-person meetings. But we are certainly excited about the prospect of starting to return to a more normal operation as it becomes safe to do so. With regard to our June board meeting, we are planning and preparing for an in-person board meeting in June in Austin. Let me say that again. We are planning and preparing for an in-person board meeting in June in Austin. We'll ensure that it is a hybrid opportunity for our board members and staff so that those who are not yet ready to attend an in-person meeting, for whatever reason, will be able to accommodate that. So we'll continue to have more details for you soon on the June board meeting. And Mr. President, that completes my report.

LARRY MCDUGAL: Thank you, Mr. Apffel. Does anybody have any comments or questions for Mr. Apffel? All right, then we'll move on to president-elect. Sylvia, are you ready to give your report?

## State Bar of Texas Executive Committee Meeting 04-06-21

SYLVIA FIRTH: I'm ready, but I think you skipped Charlie.

LARRY MCDOUGAL: Did I? I did, didn't I? I sure did. All right, I'm sorry.

CHARLIE GINN: It's all right.

LARRY MCDOUGAL: Mr. Ginn, I'm sorry I skipped over you and went straight to Sylvia. It's you're stuck on the bottom of the page, and I just overlooked you.

CHARLIE GINN: I mean, it's all right. I appreciate it. I'll go real fast. We have a chair race coming up next week. We've got five outstanding candidates. I know you're all familiar with who they are - but Adam Schramek, David Sergi, Diane St. Yves, Santos Vargas and Christina Davis. I know they're making the rounds, and I appreciate everybody taking the time to talk to them and hearing what they have to say. And I know that no matter what direction that goes, that we'll have an outstanding chair for next year. For communications update, the next correspondence from the board to their districts is going to be an e-blast. We had originally planned to send that in the February, March timeframe. But we had a little ice storm. I'm not sure everybody's aware. There was a lot going on during that period this year, including a rules vote. So - and now we're in the middle of elections. And know that's going on as well. So we're going to send that out late April, early May. Staff is going to be reaching out to the directors after the April board meeting to complete those mailings. But with that, that concludes my report. Thank you, Mr. President.

LARRY MCDOUGAL: Thank you, Mr. Chair. And Ms. President-elect, if you don't mind, I've got a note here that Mr. Crain needs to get off to do a Together We Dine. So would you mind allowing him to go ahead of you? Rob, you have the floor or the screen or whatever.

ROBERT CRAIN: I'm real easy, and I've got a deposition following that. So I'm going to have to jump off. But there's no report this meeting from the CSA.

LARRY MCDOUGAL: And thank you for that excellent report, Mr. Crain. Also take note that after roll call, Carmen Roe and Rebekah Brooker have joined the meeting. And with that, president-elect, it is your turn.

SYLVIA FIRTH: Thank you. Before I begin my report, I just really want to thank Trey and the staff and compliment them on all of their - just dedication and their work ethic. They have beyond exceeded expectations. And I deal with them - somebody - almost daily. And they're always there. They're always responsive. And as Trey said, they haven't skipped a beat despite the pandemic and then many of them having to suffer through the winter storm as well. So we all owe them a debt of gratitude for their dedication to the bar. And thank you, Trey. I just didn't want to let my opportunity to speak go without mentioning that. So my report is pretty brief. But first, I'm going to report on the Task Force on Diversity, Equity and Inclusion. We've continued to meet. We've had four meetings so far. We met in November, December, January and March. We're due to meet later this week. And during the March 3 meeting, which was delayed because of the winter storm, we had our implicit bias training for the group with Dr. Aaron Reeves, the same person who did the training for the board. We thought that was important so that everyone have the same vocabulary and understanding of what we were talking about with regard to implicit bias. The task force has been broken up into subcommittees in the areas of CLE and education, communications, pipeline issues, administrative issues and implicit bias. And each one of those committees has been working really hard and are in - already have been drafting

## State Bar of Texas Executive Committee Meeting 04-06-21

recommendations to be compiled into a report. We have our - as I mentioned, we have a meeting on April 9. And we'll be hearing from Judge Ravi Sandill from Houston about his efforts on implicit bias in the Houston courts. And we expect to have a written - a fully compiled, written report from the DEI committee to be ready for the June board meeting. My second item is an action item, which is to consider approval of the State Bar of Texas 2021, 22 proposed budget for presentation to the Supreme Court. This morning, a public hearing was held regarding the state bar's FY 2021-22 proposed budget via Zoom. And the proposed budget has not changed since its presentation during the January board meeting. And your packet includes a copy of the proposed budget as published in the March issue of the Texas Bar Journal. A motion will be made during the April meeting to obtain board approval to present the proposed budget to the Supreme Court. Pending board approval, a meeting will be held with the court on May 10. And at this time, I hereby make a motion on behalf of the Budget Committee to approve the presentation of the FY 2021-2022 proposed budget to the Supreme Court. Do I have a second?

LARRY MCDUGAL: Coming from a committee, president-elect, no second is needed. Is there any discussion? If there's no discussion, all directors in favor, please say, aye.

ROBERT CRAIN: Aye.

UNIDENTIFIED PERSON #1: Aye.

UNIDENTIFIED PERSON #2: Aye.

LARRY MCDUGAL: OK, any opposed?

REBEKAH BROOKER: Aye.

LARRY MCDUGAL: All right, then it is passed, all right?

SYLVIA FIRTH: My last report has to do with the Committee Review Task Force. And I want to thank James Wester, Charlie Ginn, Wendy-Adele Humphrey and Michael Smith for working with me on that committee and of course, the staff that always supports us. The Committee Review Task Force completed its review of the bar standing committees on behalf of the executive committee. The State Bar Act requires that the State Bar Executive Committee conduct a comprehensive review of the standing committees biannually to determine two things - whether there is a continued need for each committee and whether there is unnecessary overlap of committee activities. The task force members are met with committee chairs and staff liaisons to review the activities of each committee over the past two years. And we're pleased to report that the standing committees have been doing a great job in working on activities and projects that pertain to the mission statements and the overall purposes of the State Bar Act. And they're - at this present time, there's no significant overlap of activities among the committees. And we believe there's a continuing need for all of the committees. And while we don't have any specific action items pertaining to committees on the structure, we did include several notations in the report of things to monitor and review during the next two years. The first, the executive committee should confer with the Disabilities Issues Committee as they were considering whether to expand their purpose and committee main. No specific recommendations were presented to us, but we wanted to make note of the fact so that we can remember to talk about it in the coming two years. The legal services to the poor and civil matters noted that there are other bar groups who work on similar activities as they do. And they would like to look at potentially redefining their mission and

## State Bar of Texas Executive Committee Meeting 04-06-21

purpose in the future. And the executive committee should circle back to them to get their feedback on what their role should be moving forward. The PJC Family and Probate Committee, there was some discussion about whether they should be split into two committees and whether more members should be added to the committees since there are two specific subject matters. They also requested a need for more family law attorneys to be appointed to the committee. These are ideas the executive committee should consider in the next several years. The task force looked at whether term limits for committee chairs should be instituted. And we recognize there is a balance between needing to have experience in the chair positions, and there's also a need to rotate the committee chair position in order to allow new leadership and ideas. For example, to set a term limit of two to three years for the committee position could accomplish those goals. We think that there - and we found chairs that have been serving for far in excess of those two or three years. And we think this issue should be continued to be looked at by the executive committee in the coming years. We weren't quite ready to make the recommendation this year, but we wanted to begin the dialogue and especially for the committees to begin to hear that that's an interest from the committee. So that concludes our report. We have no specific recommendations that require action by the executive committee. The agenda action posted is simply to accept the report as the executive committee's official review of the standing committee as required by the State Bar Act. So I'll make a motion that the executive committee approve the acceptance of the Committee Review Task Force report. And I'm also available to answer any questions anyone has them.

LARRY MCDUGAL: OK, coming from a committee, no second is needed. Is there any discussion based on this report? for. I see no hands raised. There will be no discussions. All directors in favor, please say, aye. Aye.

DIANE ST. YVES: Aye.

UNIDENTIFIED PERSON #3: Aye.

UNIDENTIFIED PERSON #4: Aye.

LARRY MCDUGAL: In favor, say nay - or not - opposed, say, nay. With no nays, the report will be accepted. Ms. Firth, do you have anything else? All right, with that, I'm going to call on the immediate past president Randy Sorrels for his report now report.

RANDALL SORRELS: No report.

LARRY MCDUGAL: Thank you for the excellent report, past president Sorrels. With that, I'm going to ask the committee, would you like to take a break now or keep going? Take a five to 10-minute break? OK, I'm seeing hands, but everybody's muted. So let's take a five, 10-minute break. Let's take a 10-minute break, give everybody a chance to go to the restroom, get something to eat or drink. So right now, we'll be in recess. OK, I hope everybody's back. The time is now 11:23 a.m. on April 6, 2021. And move to agenda item number nine, the executive committee nominations and elections - past President Randy Sorrels and past chair Jerry Alexander.

JERRY ALEXANDER: Thank you. Randy, you want to give this, or you want me to?

RANDALL SORRELS: No, go ahead.

## State Bar of Texas Executive Committee Meeting 04-06-21

JERRY ALEXANDER: All right, thank you, Mr. President. The state board of elections for president-elect and district director started on April 1. The two candidates for state board president are Sara Dysart of San Antonio and Laura Gibson of Houston. And they've been campaigning the best they can during the pandemic. In order to assist them, get their messages out to the state bar members, the candidates created a series of videos with personal messages about themselves. We've emailed these messages out, included them on social media and on our state bar website. The Metro Bar Association also put on a candidates forum, where each candidate had the opportunity to talk about their visions for the bar. All of this information can be found at [texasbar.com/elections](http://texasbar.com/elections). We're featuring information on the candidates in the April issue of the Texas Bar Journal, which you should have received by now, and the April episode of the "State Bar of Texas Podcast." We are also looking at additional communications, such as additional emails to the membership and social media posts to help educate lawyers about the candidates. We ask that all of you help publicize the election and help us increase our turnout as much as possible. There are also 10 district director positions that are up for election again this year. The chart of those positions is included in your meeting materials. There are two contested races in Houston and one contested race in San Antonio. The election began on April 1 and ends on April 30. Results will be released on the night of April 30. That concludes our report, Mr. President.

LARRY MCDOUGAL: Thank you, Mr. Alexander. Any questions or comments for Mr. Alexander or past president Sorrels? With that, we'll move on to the Policy Manual Subcommittee - Mr. Adam Schramek.

ADAM SCHRAMEK: All right, thanks, everybody. I'll keep this short. I know everyone has a lot of other things on their calendar this April. I wanted to give you an update of where we were on the issue of the code of conduct and the timing of when that'll be presented to this committee and the board. We have what we believe - the committee currently has a final draft of the code of conduct that we think is appropriate. We spent several months working on it. We've reviewed every line, every word, debated it and come out with what we think is a really good code of conduct that incorporates the events code of conduct. And so what we're going to be doing is providing that to the board as an informational item at this board meeting. I'm going to go through it, explain the different parts of it, how it works, talk about why we think that these various provisions are appropriate. And then - but we don't want to have action on it because we want to give everyone time to consider it, to contemplate it, to address any questions they have to our next policy committee meeting. If they have a question, they can ask us to consider or ask for us to, you know, consider a proposed revision. And then at the final board meeting of the year, to provide the code of conduct for actual - as an action item and also to the executive committee in advance of that for a vote of that document. So we've worked on it really hard. I know that both Rebecca and James can attest to that around the committee, as well as every other member of the committee. We think we have a very strong document. And we're going to be proposing it for everyone to review at the next meeting. If there are any questions, please don't hesitate. We think it's very important for a document of this importance, you know, policy of this importance to be not only fully vetted by the committee, which we've done for many months - as Charlie might say, we have the hardest working committee - right? - in the state bar. But we also want to make sure the board has time to really consider it, to review it, and not just a few days before they have to vote on it. And so with that, I think by the time we get to our final meeting of the year, we're going to have a code of conduct that everyone thinks is a really strong, good one that is appropriate. And the final thing I'll add is that it has been vetted by both our general counsel, as well as Tom Leatherbury as part of the process of coming to the final document. And with that, I'll wrap it up. Thanks, everybody.

LARRY MCDOUGAL: Thank you, Mr. Schramek. Any comments for Mr. Schramek? And with that, we've already heard from Justice Lehrmann. We'll move to the DCAP subcommittee - Mr. Steve Naylor.

## State Bar of Texas Executive Committee Meeting 04-06-21

STEPHEN NAYLOR: No report, Mr. Chair.

LARRY MCDUGAL: Excellent report, Mr. Naylor. Any comments for Mr. Naylor and his excellent report? Then we'll move to - Rob Crain's already given his. So we'll move past number 12. We'll now move to the administration committee - Mr. James Wester.

JAMES WESTER: Thank you. I'll try to keep this short. Really, from the administration committee, there's no report. However, I do have a brief report on the Performance Measures and Strategic Planning Committee. As you know, we approved the strategic plan at the January board meeting. That subcommittee continues to work on the performance measures and should have those prepared and present them to the board with the recommendation entry. That completes my report. Thank you, Mr. Wester. Any comments or questions for Mr. Wester? Hearing no comments, we will move onto number 14, audit and finance - Mr. Alistair Dawson.

ALISTAIR DAWSON: Thank you, Mr. President. Your executive committee packet includes the financial information for the state bar's various funds. The financial highlights document describes the major budget to actual variances, both positive and negative, for the period ending in February 28, 2021. The amount of general fund net revenues over expenditures budgeted at the end of February 2021 was \$527,670. But the actual amount of revenues over expenses was 5.7 million. It's a positive net variance for the nine months ending in February of approximately 5.2 million. The majority of this variance is due to savings in travel and conference costs because we were having our meetings remotely. And these savings completely offset the decrease in revenues of 2.3 million for the same period for the prior year. More information is in the packet under financial highlights. I'd now like to move to the internal audit results. The state bar's independent internal auditors McConnell & Jones completed their audit in accordance with the internal audit plan. The auditors provided three audit reports that are included in your packet. The first report provides the results of the audit of the state bar's public funds Investment Act compliance. And that concluded that the state bar complies with all requirements of the Texas Government Code, Chapter 2256, Public Funds Investment Act. Additionally, the audit concluded that management's internal controls over investment, processes and reporting are effective and working as designed. The second audit focused on the Chief Disciplinary Counsel's internal controls, processes and compliance with government code, Texas Rules of Disciplinary Conduct and the State of Texas Board of Directors Policy Manual. The audit objectives were to assess management controls and processes in place, to ensure the attorney discipline system is administered in accordance with the statute, the Commission for Lawyers Discipline requirements and the State Bar of Texas policies in an effective and efficient manner. The internal controls and processes over the Client Security Fund were also assessed. The audit concluded that the Chief Disciplinary Counsel has established effective internal controls and processes to ensure that they comply with the attorney discipline requirements and the Client Security Fund is protected. The third audit focused on the sections' financial controls, the internal controls, processes and compliance with the State Bar of Texas Board of Directors Policy Manual. The audit report concluded that overall, the state bar sections have implemented sound controls and processes to protect their financial assets, including segregations of duties controls. The report also noted some areas for improvement of management's internal controls for some sections to enhance their effectiveness. The report noted that some sections' processes could be improved by a more timely submission of budgets and financial policies, a more timely reconciliation for bank statements and clearing outstanding checks. State bar management is in the process of working on improving communication with the sections to address these issues noted by the auditors. We are very pleased with these results and with the tremendous commitment of our sections have shown to adhere the best practices and financial

## State Bar of Texas Executive Committee Meeting 04-06-21

responsibilities. The sections have worked really hard with our staff. We cannot thank them enough for their efforts. The Audit and Finance Committee will meet with the auditor next week to go over the reports in detail. Darlene Brown, audit partner, will deliver the audit reports to the board at our meeting next Friday. Mr. President, that concludes the report from the Audit and Finance Committee.

LARRY MCDOUGAL: I'm muted. Thank you, Mr. Dawson. Are there any comments or questions for Mr. Dawson? Hearing no comments or questions, we'll move on to agenda item number 15, the MCLE Committee - Mr. John Boyce.

UNIDENTIFIED PERSON #1: I think he's on mute.

LARRY MCDOUGAL: OK, Mr. Boyce?

JOHN BOYCE: Thank you very much. Now...

LARRY MCDOUGAL: Yeah.

JOHN BOYCE: ...Do you have my picture, my video or not? Can I do that?

LARRY MCDOUGAL: We've got what appears to be the first screen of a PowerPoint up right now.

JOHN BOYCE: OK, well, whatever. All right, thank you, Mr. President. The only committee that's worked harder than Mr. Schramek's committee, I want to say, is the MCLE Committee. The board of directors - and as you all know in its July 27 specially called meeting - charged us as the MCLE committee for recommendations regarding so-called implicit bias training. OK, OK, wait, wait, wait, wait. Now, it should start my video and here was the specific charge. OK, good. Yeah, now here we are. Great, thank you. Here was a specific charge - and I'm just quoting it - that the state bar MCLE Committee study and consider whether to make implicit bias training an MCLE requirement for Texas attorneys and that the committee return with a recommendation to the board by the January 22, 2021 meeting, all right? Then if that wasn't enough, at the September 25 board of directors meeting, you charged us a second request. And I quote, "that the state bar MCLE Committee study and report back to the board regarding the possibility of categorizing CLE courses on the subject of mental health and substance abuse as eligible for, quote, "legal ethics, professional responsibility," quote, "credit." OK, so those are the two charges. Now, I want to say that we have fulfilled that request. And I did, as you all remember, resent those preliminary recommendations to the board at January 22. I'm here today to present our final recommendations concerning those issues, which include the actual proposed amendment. At the time in January, we didn't have the amendments. And we took questions from the board and went back and kicked around the ideas that the board came up with. And so anyway, these are the amendments. Now, let me tell you about the process of this. We have worked very hard. And I think the members of my committee are to be commended. And \*\*\*\*\*

JOHN BOYCE: \*\*\*\*\* they've honored the lawyers of Texas. I appointed a subcommittee sometime in about August, September. And the purpose of the subcommittee was to do the research around the country to see what is being done regarding these issues. And Jean and Erica and Lowry were involved in that. And they did a great job. And so what the subcommittee did - there were about four or five people. They sent questions out to various states that had these kind of implicit bias or wellness requirements and options, and how did they how did they treat that? And we focused on three different models. One was from Missouri, one was from Illinois and the third was from Florida. And what Jean and Erica did in

## State Bar of Texas Executive Committee Meeting 04-06-21

the committee, they interviewed the chairman, the assistant MCLE of Florida and discussed these kinds of issues with her. Also, let me say this. Our subcommittee and the full bar, we reviewed all the comments that were sent to us by various sections, law-related groups, as well as individuals that were sent to the bar and the board as a part of the specially called meeting. And so if you recall, there was an email that went out to the entire bar, and people could submit comments. And they would go to the bar - the board of directors. And then the board of directors, the someone - trying to think it was - at any rate, would filter them out and then send them to us as they related to us. And so there were quite a number of comments all across the spectrum. And we read every comment. We found articles, both pro and con. And we submitted those to the subcommittee for their consideration. Any rate, they reported back to us sometime in, I'm guessing, December, maybe. And we had lengthy meetings about some of the issues that they raised. And between our committee's meeting and the subcommittee's meeting, we think there were at least seven different meetings. And there were probably more. And these meetings lasted long. And may I say, to complement my committee, virtually everyone attended every meeting, all right? And everyone was very thoughtful and very nuanced about the issues that we're facing and our service to the bar anyway. Any rate - so that's our background. Now, here are the recommendations. And they're on the screen. We recommend allowing a - we are not recommending mandatory requirements for Texas attorneys. Our recommendation is to offer Texas attorneys the opportunity to receive ethics credit for implicit bias and attorney wellness that fulfill the three hours of ethics course accreditation requirements, OK? And what that does, that creates a pathway for implicit or explicit bias and wellness to be included, like I say, in the three-hour professional responsibility. It's a tremendous first step. None of the people on the committee wanted to make it mandatory. I know that was a question that was raised at the last board meeting. So to a person, no one - it was unanimous. No one wanted to do that. So what we did - and I think this is in the next - go to the next slide, if you will. OK, now really, doing this, there are a number of ways to approach it. And this, I think, is the easiest to understand and the easiest to implement. We didn't amend the rules or the regulations. We strictly went into the standards. And that really is the document that we rely on 90% of the time when we're reviewing accreditation requests. So we went into the second page, which is where all the definitions are. And we added two new definitions that you can see in red. And lawyers being lawyers, we spent two hours on the word smithing of these phrases. And if we had more time, we would have spend another two hours - you know, do you shall and may and and and or, you know, all the things that lawyers are good at talking about. But this is what we came down with - both of these. They're concise. They get to the point. They leave some discretion up to the CLE committee, who will have to put together these programs. The first one, I think you can read. Legal professional responsibility shall include programs that address substance abuse, depression and other mental and physical health conditions that can impair attorney's ability to provide competent legal services and assist in the prevention of malpractice. You know what I mean? Says it all right there. Now, to make that work, then we had to delete the term, stress management, that you see in the third bullet because that would have conflicted. And yet we felt very strongly that stress management is important for lawyers. It is important, preventing malpractice. It is important discharging our abilities, our skills and responsibilities to the public, OK? Now, the next one says, legal professional responsibility shall include programs that address recognition of bias that can impair an attorney's ability to provide legal services. Again, that's broad enough to include courses that could hamper an attorney's ability to provide those kind of legal services. So at any rate, that's what we all felt as a committee. That really is the end of my report. I'm happy to answer \*\*\*\*\*

JOHN BOYCE: \*\*\*\*\* any questions. And I want to compliment, by the way, Jane and Erica and Lowry for their hard work. They were on the ball. And we spent a lot of hours talking with them and how to do

## State Bar of Texas Executive Committee Meeting 04-06-21

things. And I'm most proud of my committee because they really served the lawyers of Texas. So I'm happy to answer any questions. Thank you, Mr. President.

LARRY MCDUGAL: Thank you, Mr. Boyce. This is an action item. And as such, it'll need a motion and a second to approve proposed amendments to the MCLE accreditation standards. Any a director who wishes to make a motion or second, please unmute and state your name.

SYLVIA FIRTH: Mr. McDougal, could I ask a question?

LARRY MCDUGAL: Yes.

SYLVIA FIRTH: So - just so that I'm understanding, because this is going to be important to the task force. So this action item then will need to be further approved by the - what is the process, I guess, Mr. Boyce, to make this actual reality?

JOHN BOYCE: Well, I'm sure the president understands perhaps better than I do. But my idea is, we are coming to you as a part of process to let you know about what we've done. But it's up to you all, I think - you can correct me - to put it on the agenda. Because it will be considered by the full board of directors later this month on April the 16, I think.

LARRY MCDUGAL: Ms. Firth, that is my understanding, also.

SYLVIA FIRTH: Thank you.

LARRY MCDUGAL: OK, again, this is an action item. I need a motion and a second to approve proposed amendments for the MCLE accreditation standards.

SYLVIA FIRTH: I'll move to approve.

STEPHEN NAYLOR: I'll second.

LARRY MCDUGAL: And who's that, the second? Mr. Naylor?

STEPHEN NAYLOR: Yes, sir.

LARRY MCDUGAL: Thank you, Mr. Naylor. All right, we have a motion and a second. Again, is there any discussion at this time? Hearing no discussion, all the directors in favor, please say, aye.

UNIDENTIFIED PERSON #1: Aye.

DIANE ST. YVES: Aye.

UNIDENTIFIED PERSON #2: Aye.

UNIDENTIFIED PERSON #3: Aye.

UNIDENTIFIED PERSON #4: Aye.

## State Bar of Texas Executive Committee Meeting 04-06-21

LARRY MCDUGAL: All those opposed, say, nay. Hearing no nays, the item is approved. Thank you, Mr. Boyce.

JOHN BOYCE: Thank you very much. I appreciate the opportunity to serve you all.

LARRY MCDUGAL: No, thank you for your hard service and work on this. We appreciate it. OK, let's see. That was item number 15. So now we move to item number 16, Professional Development Subcommittee - Ms. Booker.

REBEKAH BROOKER: Thank you. Throughout this year, it has been really heartwarming to see the state bar's commitment to helping Texas lawyers during this pandemic. Since June 1, Texas Bar CLE has provided close to \$5 million in free CLE events to all the lawyers via our online classroom and our free online classes. Specifically, the state bar's provided just shy of almost \$600,000 of free CLE to legal aid lawyers, as well as \$148,000 in scholarships. You might let your local lawyers know the Texas Bar CLE is currently offering 5 1/2 of free CLE, including a new program on dealing with claims arising from freezes, power outages and broken pipes. Texas partially has made the decision to convert all live seminars to a webcast format through June 30. Texas Bar CLE's closely monitoring all of the courses scheduled to be held in person this summer or after June 30. We are hopeful that those courses will be able to move forward. And we're in discussions with hotels and how to stage the event safely with masks and social distancing and other protocols. Please share with your local lawyers, the Texas Bar Books will be releasing new editions of the Texas pattern jury charges, covering general negligence, malpractice, business and oil and gas topics during the month of April. And so for those attorneys who've not elected to receive new additions automatically, the Texas pattern jury charges will be available to purchase on [texasbarpractice.com](http://texasbarpractice.com). And let me brag for just a minute on the new [texasbarpractice.com](http://texasbarpractice.com) website. This website has averaged approximately 400 unique users and more than a thousand page views per day. And since the launch of the new website, which was just a few months ago, Texas Bar Books has seen an increase in subscribers to the Texas Bar Books online manuals, with a 15% increase in subscription revenues this quarter. That pretty awesome. So really, a big shout out to all of our people at the State Bar, who are helping make this website function and act properly. The board PDP and subcommittee will meet jointly with the committee on May 7 via Zoom. This group will discuss topics for CLE's publications. So let us know if you or anyone in your district have ideas for CLE topics or discussions. We'd like to hear them, and we'd like to be able to share it with the members of the committee. Also, the steering committee for this year's Texas Minority Counsel Program was formed last month. Over 80 attorneys applied to serve on this committee. The first meeting was held on March 23, and there was a brainstorming session for CLE topics and speakers and for members to volunteer to serve on subcommittees and so forth. So it's great, and we're looking forward to that program \*\*\*\*\*

REBEKAH BROOKER: \*\*\*\*\* in the future. And finally, just as a reminder to help spread the word, Texas Bar CLE offers full and partial scholarships for all of our state bar programs. The application process is fast. It's easy. It's confidential. Additionally, scholarships are available for Texas Bar Books and our online publications. And the state bar's Diversity in the Profession Committee also awards scholarships to help defray expenses for law students studying for the bar exam, which I think there will be a new one coming up in July. So I think that'll be on the forefront of a lot of new lawyers' minds, is that bar exam. So if anyone needs help with that, have them check that out. And that concludes my report.

## State Bar of Texas Executive Committee Meeting 04-06-21

LARRY MCDUGAL: All right - technicalities. All right, thank you, Rebekah, for that report. Does anybody have any questions of Rebekah? Hearing none, we'll move onto item number 17, insurance and member benefits - Carmen Roe.

CARMEN ROE: Good morning, everybody. OK, I'm going to do a quick report, but Cory Squires is amazing. So he puts these things together. And they're a little longer than other people's, but I'll talk fast. So every other year, a customer satisfaction survey is conducted. This year, it is in process now. And I will report at our next board meeting what the results of that satisfaction survey will be. While you might have thought the 2021 health insurance open enrollment period ended on December 15, there was actually a special enrollment period, which began on February 15 and will run through May 15. This isn't anticipated to have much impact on our members, but I thought you should know. As mentioned in the past, we split up our subcommittees into three groups to focus on hot topics that are relevant to the bar. These include solo insurance, marketing and enhancement of awareness of overall benefit programs. So in working on that, as an update, solo insurance - our hands are tied as we talked at the last board meeting and executive meeting with solo insurance availability until the Texas Department of Insurance modifies their definition of who is eligible for a group plan. However, there are several bills being considered by the legislature on this issue. Our insurance program administration Member Benefits Inc. is currently lobbying on some of those bills to help make sure our solos have better access to insurance. I will provide updates on those legislative efforts as they become available. On the benefit program marketing and enhancement awareness, due to the success of the postcard that we put out, bringing to the attention the exchange and the deadlines, we want to do just the same for solos in October. Excuse me, let me go back. So due to the success of the postcard that went to just the solos in October - sorry - which increased our visits to our benefit site by 56%, we decided to do a similar postcard to all the members in May. And so we'll preview a sample of that card at the board meeting so everybody can see what we're working on over here. As of February, revenue generated by our program totaled 741,259. It's anticipated that all revenue projections for the program will be met. A review of the member benefits program compared to other large state bars conducted that we'll have the most - says that we have the most expansive program in the nation, which we're super excited about. However, we did learn that we need to expand on lifestyle offers. And the staff is researching more of that now. I do want to make sure you're all aware that we do have new offers that have been made available, which you can see on your social media sites, if you're looking. We replaced the partnership with 24 Hour Fitness with a company called GlobalFit. GlobalFit will offer members discounts to numerous gyms, nutrition plans and virtual training. We also added entertainment discounts that will provide members with 10 to 20% off theme parks, water parks and movie theaters. Lastly, as this year's baseball season gets started, we are continuing our partnership with professional sports teams in Texas. The first to be added is the Texas Rangers. That concludes my report. Thank you to all my committee members and of course, Cory Squires, who keeps it all together.

LARRY MCDUGAL: Thank you, Carmen. Does anybody have any questions or comments for Ms. Roe? Hearing none, we'll move onto item number 18, Legislative Policy Subcommittee - Ms. Emily Miller.

EMILY MILLER: Thank you, Mr. President. There are 55 days, 12 hours and approximately six minutes left in the current legislative session. And that concludes my report of the Legislative Policy Subcommittee. And I will roll right onto section representatives report, if that is all right with you, Mr. President. And we are...

LARRY MCDUGAL: I have an item, 18.B. I guess we'll just say that's not needed and move onto section rep.

## State Bar of Texas Executive Committee Meeting 04-06-21

EMILY MILLER: OK, perfect, perfect.

LARRY MCDUGAL: Thank you.

EMILY MILLER: All right, so we are currently - as far as section representatives go, we're currently working with the sections to provide programming for the virtual annual meeting in June. And we're also working with sections regarding how they want to handle their annual meetings, since the virtual annual meeting will only be prerecorded CLE. And most of the annual meetings, if not all, will be virtual this summer, as far as the sections go. And we're currently advising the sections on how they return to live meetings for those that want their live counsel meetings and CLE. Obviously, there are a lot of sections that are ready to get back together in person. And most of these meetings will not occur until very late summer or fall \*\*\*\*\*

EMILY MILLER: \*\*\* and will also, of course, include safety protocols. And, Mr. President, that concludes my report of section representatives to the board.

LARRY MCDUGAL: Thank you very much. Does anybody have any questions of Emily Miller? Hearing no questions or seeing hands raised, thank you, Emily, for those excellent, quick reports. We will now move back to Carmen Roe in the Justice Leadership Workshop - or group.

CARMEN ROE: OK. I'm going to move faster this time. So Justice and Leadership Workgroup has met several times since the creation by this board of directors. We reviewed, as I told you in the past, all of the public and member comments from our special called meeting. We've actually broken everybody up into subcommittees of groups who are working through some of the goals that we've set out, with an eye towards bringing a recommendation to this board in June at the conclusion of my term. And just as a reminder, these goals are setting standards for directors and officers pertaining to race, bias, racism and diversity, setting standards for directors regarding the way they conduct themselves in public forums, soliciting comments from the nominations committee regarding presidential candidates, and reviewing with the state - the Office of Minority Affairs Office programs and goals. If anybody on this board has any comments, thoughts, suggestions, we would love to hear from you. Thank you so much to everyone. This task force is incredibly important to ensure all of our public and member voices are heard. And that concludes my report. Thank you.

LARRY MCDUGAL: Thank you very much. Does anybody have any comments or questions for Carmen? Hearing none, we'll on to item 21, the TYLA update, Britney Harrison.

BRITNEY HARRISON: Well, good morning. I'll just be quick with my updates. We are having our national trial competition this week. It's the 46th annual in connection - with the ACT company, as well. And it'll be April 8th through the 10th. We have 30 teams from across the nation competing, and we are still in need of judges. And so if you're interested in judging, particularly on Thursday, please reach out, and we can get you all signed up. And I can also put in the chat at least - put the SignUpGenius thing. And then I'll also make sure it gets posted on our TYLA social media. We're also having our pro bono legal answers week of answering questions on their website. Our goal is to get all of the local affiliates across the state to get on to the website for, you know, a few minutes, answer a couple questions. And hopefully if we can get all the young lawyers in Texas to get on there and answer some questions, we can clear the site for those people that need some free legal advice. Also, last month, we launched our iconic Women in Legal History website. It features several videos that focused on the women that are often left out of the

## State Bar of Texas Executive Committee Meeting 04-06-21

history books, such as the African American Suffragettes. So I highly encourage y'all to get on [iconicwomen.tyla.org](http://iconicwomen.tyla.org) to check out the website and see some of the great work that our committee put together. Also, our racial justice hub will be launching in May. And we're in the process of filming some videos and fine-tuning the resources that'll be addressed on the hub. And they'll be resources for the public as well as for the profession on implicit bias and other areas of interest. So please check those out. And again, as always, follow us on facial - social media. We've got Facebook, Twitter, Instagram and LinkedIn. And that's my report.

LARRY MCDOUGAL: Thank you, Britney. Does anybody have any questions of Miss Harrison? Hearing none, seeing no hands, we'll move on to item No. 22, the report from General Counsel Ross Fisher.

ROSS FISCHER: I have nothing to report, Mr. President.

LARRY MCDOUGAL: Excellent report, Mr. Fischer. Does anybody have any questions you might want to pose to him to see if we're paying him for nothing? (Laughter). All right. Hearing none, let's see, the time is now 11:59 on April 6, 2021. And the state board of directors will now go - recess the open meeting and reconvene in closed session pursuant the Texas Government Code 551 for the purpose of consulting with legal counsel to include discussion regarding all pending or any contemplated litigation in Section 551.072 to deliberate regarding a potential purchase of real property at 1415 Lavaca Street in Austin, Texas. At this time, we will have a five-minute recess for our moderators Chelsea and Jennifer. But all the members of the 2021 board, including six representatives board liaisons. It's a break-out room in the closed session. All other individuals, including non-essential staff and other guests, will remain watching the broadcast. We will notify the public when five - within five minutes of returning to open session. Any director who is attending this meeting by Zoom, please turn on your video so they can visually confirm your identity. If you're attending via telephone, please note that we have verified your identity previously. Important, please do not use the chat feature while we're in a closed session for open-record purposes. All right. Jennifer, Chelsea, do your thing. See, the recording has resumed, according to the red light. The time is now 12:10 p.m. on April 6, 2021. And the open session of the board of directors executive committee will now reconvene. During the closed session, only matters relating to consultations with legal counsel, including - concerning pending - or contemplating litigation matters and potential purchase real estate at 1415 Lavaca Street in Austin were discussed. No action was taken in closed session. Mr. Sirman, we kind of skipped over you and your report on item No. 23. Do you have a report, Mr. Sirman?

JOHN SIRMAN: Do not.

LARRY MCDOUGAL: Excellent report, Mr. Sirman. And with that, is there any other questions or comments anybody would like to make? Hearing none or seeing no hands, it is now still 12:10 p.m. on April 6, 2021. I will adjourn this meeting.

CHARLIE GINN: Thank you, Larry. Appreciate you guys.