

State Bar of Texas Board of Director's Meeting on 04-16-21

CHARLIE GINN: It's 9:00, I think, still on April the 16 of 2021. All directors will be unmuted for a roll call. With our agenda posting, we invited members of the public to view a broadcast of the board of directors meeting, which is live at www.youtube.com/statebaroftexas. We also provided instructions on how to sign up to speak at today's meeting. Sign-ups were available until 5:00 p.m. yesterday. Members of the public will speak after agenda item no. 4 and will remain in the Zoom waiting room until it is their turn to speak. We are calling this meeting to order, and we ask Mr. Trey Apffel to call the roll.

TREY APFFEL: Thank you, Mr. Chair. And good morning.

MICHAEL FIELDS: OK. Go ahead and get you...

TREY APFFEL: Mr. Agosto.

MICHAEL FIELDS: So you'll be able to share screen if you've got something that you want to pull up. Or I think we were going to do some reviewing of the annual report to kick things off so I'll let you...

CHARLIE GINN: Hey, Michael. Michael, you're not muted on us, man. All right. I think we're good.

TREY APFFEL: All right. Mr. Agosto? Mr. Alexander?

JERRY ALEXANDER: Present.

TREY APFFEL: Mr. Allison?

JEFFREY ALLISON: Present.

TREY APFFEL: Mr. Almanzan?

ANDRES ALMANZAN: Present.

TREY APFFEL: Mr. Baruch?

CHAD BARUCH: Here.

TREY APFFEL: Ms. Bihm?

KATE BIHM: Present.

TREY APFFEL: Ms. Brooker?

REBEKAH BROOKER: Here.

TREY APFFEL: Mr. Calvillo?

ALAN SIMS: I saw his screen earlier.

TREY APFFEL: He's here.

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DAVID CALVILLO: I'm present.

TREY APFFEL: Carlos Cardenas?

DAVID CALVILLO: Present.

CARLOS CARDENAS: Here.

TREY APFFEL: Mr. Luis Cardenas?

LUIS CARDENAS: Present.

TREY APFFEL: Mr. Cook?

DEREK COOK: Here.

TREY APFFEL: Ms. Cordova?

DEBORAH CORDOVA: Present.

TREY APFFEL: Mr. Crain?

ROBERT CRAIN: Happy to be here.

TREY APFFEL: Ms. Davis?

CHRISTINA DAVIS: Present.

TREY APFFEL: Mr. Dawson?

ALISTAIR DAWSON: Present.

TREY APFFEL: Mr. Dokupil?

CHARLIE GINN: No.

TREY APFFEL: Ms. Hernandez Ferrier?

MARIA HERNANDEZ FERRIER: Present.

TREY APFFEL: Ms. Borunda Firth?

SYLVIA BORUNDA FIRTH: Present.

TREY APFFEL: Mr. Fischer? Mr. Flores?

VICTOR FLORES: Here.

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TREY APFFEL: Ms. Forbes?

LUCY FORBES: Present.

TREY APFFEL: Mr. Ginn?

CHARLIE GINN: Here.

TREY APFFEL: Ms. Goldsberry has an excused absence. Mr. Gravely?

MARC GRAVELY: Here.

TREY APFFEL: Mr. Harris?

AUGUST HARRIS: Good morning.

TREY APFFEL: Ms. Harrison?

BRITNEY HARRISON: Here.

TREY APFFEL: Judge Hatch?

LES HATCH: Here.

TREY APFFEL: Ms. Hoggard? Ms. Humphrey?

WENDY-ADELE HUMPHREY: Here.

TREY APFFEL: Mr. Hurst?

CHARLIE GINN: He's here.

TREY APFFEL: He's here. Mr. Kolodoski?

MATTHEW KOLODOSKI: Here.

TREY APFFEL: Justice Lehrmann has an excused absence, and Nina Hess Hsu will be sitting in for her. Ms. Cortes Mares?

YOLANDA CORTES MARES: Present.

TREY APFFEL: Mr. McDougal?

LARRY MCDOUGAL: Present.

TREY APFFEL: Ms. Carra Miller?

CARRA MILLER: Here.

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TREY APFFEL: Ms. Emily Miller?

EMILY MILLER: Here.

TREY APFFEL: Judge Morales? Ms. Mount?

LYDIA ELIZONDO MOUNT: Present.

TREY APFFEL: Ms. Murphey?

KATHRYN MURPHY: Here.

TREY APFFEL: Mr. Naylor?

STEPHEN NAYLOR: Here.

TREY APFFEL: Ms. Rispoli?

JEANINE NOVOSAD RISPOLI: Here.

TREY APFFEL: Ms. Roe?

CARMEN ROE: Present.

TREY APFFEL: Mr. Schramek?

ADAM SCHRAMEK: Here.

TREY APFFEL: Ms. Scott? She is here. Mr. Sergi? He is on. Mr. Sims?

ALAN SIMS: Here.

TREY APFFEL: Mr. Jason Smith?

JASON SMITH: Here.

TREY APFFEL: Mr. Michael Smith has an excused absence. Mr. Todd Smith?

CHARLIE GINN: He's here.

TREY APFFEL: He's on. Mr. Sorrels?

RANDALL SORRELS: Here.

TREY APFFEL: Ms. St. Yves?

DIANE ST. YVES: Here.

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TREY APFFEL: Mr. Tolchin?

ANDREW TOLCHIN: Here.

TREY APFFEL: Mr. Vargas?

SANTOS VARGAS: Present.

TREY APFFEL: Mr. Vasquez has an excused absence. Ms. Welborn?

AMY WELBORN: Here.

TREY APFFEL: Mr. Wester?

JAMES WESTER: Here.

TREY APFFEL: Ms. Pack Wilson?

KIMBERLY PACK WILSON: Present.

TREY APFFEL: Judge Yeary?

KEVIN PATRICK YEARY: Here.

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

CHARLIE GINN: Thank you, Mr. Executive Director. Please note that this meeting will be recorded, and the recording will be made available to the public. Any director that has a question during the meeting, please contact Chelsey (ph) or Jennifer (ph) directly. Their contact information was mailed out - emailed out this morning. With that, I'd like to ask Director Kate Bihm to unmute and please lead us in the invocation.

KATE BIHM: Thank you, Mr. Chairman. Dear Heavenly Father, we thank You so much for bringing us here today in order to provide leadership and encouragement for our profession. Heavenly Father, I pray that You would give us the strength and courage to be standard bearers for truth and for justice. And Lord, I would pray that You would give us and all of our brethren attorneys the words and deeds today to be persuasive and the strength to take on the mantle of our clients' problems. Jesus, I pray that the juries that are seated today, especially those in high-profile trials, that You will put the seeds of justice in their heart and that You will guide their choices and that You will give them wisdom. Heavenly Father, I pray for our judiciary, that You also give them wisdom and discernment today. Thank You so much, Lord, for the generous and diligent people that You have sent to the Texas Bar to work hard for our profession and to keep this ship afloat. Jesus, I pray that You will give courage and fortitude to our current leadership. And Heavenly Father, I pray that You will give wisdom and discernment to our future leadership as well. Lord, I pray today that You would give us the courage and the fortitude to seek and to do justice, to love and to act out mercy and to walk humbly with You in the pursuit of Your purposes. In Jesus' name, amen.

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CHARLIE GINN: Thank you, Kate. At this point, I would like to ask for Luis Cardenas to unmute and lead the board in the pledges. The flags will appear viz Zoom. Luis?

LUIS CARDENAS: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. Honor the Texas flag. I pledge allegiance to Texas, one state under God, one and indivisible.

CHARLIE GINN: Thank you, Director Cardenas. At this point, we're going to hear from members of the public. I believe we have one speaker this morning. Members of the public will be given the opportunity to speak during this teleconference, and the time allotment will be as it's been for the last several meetings, three minutes. I will give you a one-minute warning, and then I'll ask you to wrap up your thoughts. So with that, is Mr. Bob Bennett on the call?

BOB BENNETT: I am. Can you hear me, Charles?

CHARLIE GINN: We can, sir. The floor is yours and your time starts now.

BOB BENNETT: Thank you very much. My name is Bob Bennett. I've been an attorney for 47 years, served in the Department of Justice as a federal trial attorney. I've been in private practice, mainly concentrating on professionals who have issues with their licensing, and so my area of expertise is ethics and licensing and lawyers, doctors, judges and other professionals who don't play well with others. With that, it came to my attention, I guess, this week that there was a legislative hearing going on in Austin concerning HB 2393 and SB 891, which would allow the number of presidential signatures for the presidential election of the state bar of Texas to be reduced. I know that everyone that serves on the board is interested in increasing diversity, is interested in increasing participation, is interested in making sure that each member is fully informed. I am concerned that this message about this hearing did not get out, did not circulate - excuse me - among the membership, and I'm disappointed that didn't happen. I understand there's certain issues dealing with the bar lobbying, even though that didn't stop us from putting together this silly ombudsman. But my bottom line is that I wish that the board of directors would address this issue of the legislation and support that to the extent they can to even allowing members to know about it and help support it, and we'll continue to push for lowering the number - excuse me - lowering the number of people who are required to sign.

CHARLIE GINN: You have one minute remaining.

BOB BENNETT: And so I appreciate the time. It's early in the morning. I appreciate your service. Does anybody have any questions? If not, thank you very much. I appreciate the time.

CHARLIE GINN: Thank you, Mr. Bennett. With that, I believe that we've now heard from every member of the public who signed up to speak and the public comment period is now closed. During the remainder of the meeting, if there are board members or staff who wish to speak at any time, please unmute yourself, raise your hand via the Zoom feature and state your name, and I will call on you when it's your turn to speak. We appreciate your patience with that. As always, I am not going to limit our directors in the time that they're speaking today, as long as it does not become abusive in either time or content. We do have a lot to cover today. If there is disagreement on any issue or discussion, I would ask that you direct your comments to me, the Chair, and we'll move forward. We have an exciting day today. I know we're all anxious to get started. So let's start with item no. 6, and I'm going to start with my general report. Pardon me. As you'll recall, the board approved the 2021-2022 board calendar at the

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January 22 meeting. You can access that calendar on BoardEffect in the board of directors landing page as well as in the library. As always, if you need help finding anything on BoardEffect, please contact Chelsey (ph) or Jennifer (ph). Remember to complete your board committee section and standing committee section surveys on BoardEffect. Your preferences are going to be given to the incoming chair-elect who will put together the 2021-2022 committee assignment in consultation with the 2021-2022 president-elect. You will receive your committee assignments on Thursday at the June 17 board meeting. I would just remind everybody, not one of these assignments is better than the other. Each of these is created with the state bar mission in mind. I know from personal experience it is very hard to get everybody on the committees that they want. We have such fine leaders here. It's important that we try. I am confident that your incoming chair, whoever that will be, will do his or her best to make that happen, but just be patient. And it is so important that you get those committee preferences sheets filled out early as opposed to late. The next correspondence from the board to our district will be an email message, which we're going to send out in late April or early May. The staff is going to reach out to you to complete these mailings. We normally would have done this in February. There was a lot going on that time, not least of which was an ice storm and a rules vote, so we're going to do a little later this year. Finally, before we get through talking about this general report, I want to acknowledge two people. The first is the passing of Sherman attorney Clyde Siebman. He was a friend to many, a mentor to many. He was the law partner of one of our current directors, Michael Smith. He is a former District 1 director for the bar and a former presidential state bar candidate. We will miss Clyde. I know many of you were his friends, and our thoughts and prayers are with his family. He served on this board from 1992 to 1995. There's also someone else that we're going to be saying goodbye to here in a few short days as she goes on to other things. That's Chielsey Barber. You're going to hear more, I imagine, from Trey on that. Chielsey has been incredible to this board and to the staff. She has taken another position, and we are so excited for her and for her future endeavors. It is just wonderful what Chielsey has done for us. I can tell you personally, I don't think we could have made it through this bar year without our staff. And Chielsey was a big, big part of that. When you see us meeting on Zoom and on Facebook, Chielsey is a big, big part of that. We're going to miss her, and we wish her all the best going forward. I may have - I don't think so. Did I skip some people, Trey, on my agenda? I don't think so. All right. OK. So at this point, we're going to move forward with the election. No, we're not. One second. We're not doing that. If I would just follow the agenda, this wouldn't happen. If we look at item no. B, which is our action item - consider, discuss and approve consent agenda, I need a motion and a second to approve the items on the consent agenda. Any director who wishes to second, please unmute and state your name. Do I have a motion to approve the consent agenda?

ANDREW TOLCHIN: I move to approve the consent agenda.

CHARLIE GINN: Thank you, Director Tolchin. And if y'all would do me a favor when we're writing our minutes, especially since we're on Zoom, if you would state your name when you make your motion or second today, that'll make it easier. Director - pardon me, Director Tolchin, thank you for that. Do I have a second?

DIANE ST. YVES: Yes, you have a second.

CHARLIE GINN: All right. Director St. Yves is our second. Thank you, Diane. Is there any comments from the board?

UNIDENTIFIED PERSON: I can hear you OK, so I'll go ahead and...

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CHARLIE GINN: Hearing none, I don't see any participants that want to raise their hands. All those in favor, please respond by saying aye.

UNIDENTIFIED BOARD MEMBERS: Aye.

CHARLIE GINN: Any opposed?

MARY SCOTT: (Unintelligible).

CHARLIE GINN: All right. Motion passes. At that point, I'd like to call on President McDougal to unmute and present the resolutions. President McDougal, are you with us?

LARRY MCDOUGAL: I am.

CHARLIE GINN: The floor is yours.

LARRY MCDOUGAL: Thank you, sir. All right. The presentation I'd like to make today is to a man by the name of Vic Feazell. I kind of titled this one "Doing the Right Thing," because in our practice of law, so often we look at the consequences of our actions and see that sometimes doing the right thing may have dire consequences. Vic is one that did the right thing and paid a high price for doing that. I'd like to give you a little background on Vic and kind of share with you something about him. Vic describes himself as being the son of a poor Baptist preacher who was basically doing missionary work and traveling around the country as he was a child growing up. Vic graduated from Leander High School here in Texas. And shortly after graduating, he joined the Austin Police Department as a police officer in Austin, Texas. Vic had promised his high school principal when he graduated high school that he would go to college. But because of the financial constraints of being the child of a Baptist preacher, he did not have the money to go. When he was working at the Austin Police Department, one of the sergeants came to him and basically said, you're too smart to be a police officer. Go to college. You can come back and one day be chief of police. Well, as Vic said, who in their right mind would ever want to be a chief of police? But he did listen to the sergeant and wound up leaving the police department and went to Mary Hardin-Baylor, where he graduated with a degree in social work, and something else, out of Mary Hardin-Baylor. He applied to Baylor Law and was accepted into Baylor Law School. But due to financial difficulties, he had to drop out after his 1L year. While he was out, he went to work for MHMR and eventually became the director of their drug abuse treatment program and won all kind of accolades for his advances in what they did within the drug treatment program. But as he said, he saved his money while he was working for MHMR. He saved up enough money to go back to school and went back to Baylor and took the bar. Of course, Vic was kind of one of these ones that graduates - took the bar before he graduated from Baylor, which he did graduate, went down to the courthouse in Waco, begged a judge for a court appointment. The judge gave him a DWI, and Vic actually won his first trial in a DWI right out of law school. He became a criminal defense lawyer. But soon after, he ran for district attorney in Waco and was elected district attorney. While serving as district attorney, he had the Texas Rangers bring a case to him on Henry Lee Lucas. And that case on Henry Lee Lucas caught his attention not just because of what was there, but because he started seeing inconsistencies. In one case that Vic took very personal was the Rita Salazar murder. And the more he read the file, the more he believed that Henry Lee Lucas wasn't responsible. Vic started looking into other cases that Henry Lee Lucas confessed to. It's believed that he confessed somewhere up to 150 and 300 murders across the United States. Even the timelines of when the murders occurred showed that he could not have been in Washington and Florida within the same time to commit murders. In his case, he had another murder, one where the murderer

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had already confessed, and the person was charged and Lucas confessed to that one also. In the Salazar case, he confessed to this one to the Texas Rangers. So what wound up happening? Vic took these cases to the grand jury, and here's where doing what right is right steps up. Vic knew there were problems in these confessions. He knew that Henry Lee Lucas was not the responsible person for a lot of these murders and that the actual murderers were getting away. So Vic started an investigation into this. He started uncovering more and more evidence and facts that led - that these confessions were false confessions. And from my studies, it kind of came out that if the Texas Rangers brought Henry Lee Lucas a strawberry milkshake, he would confess to anything. I'm surprised they even asked for the Lindbergh kidnapping - because any time he got that, he confessed. So anyway, he goes to Colonel Adams, who's the former deputy director of the FBI, who at that time was the head of Department of Public Safety and said, hey, I've got an issue with these cases. I would like for you to look into them. Colonel Adams repeatedly told Vic, I'm not looking into these. I'm not reopening these cases. These cases are closed based on Lucas' confessions and then threatened Vic with an investigation against him and his policies at the DA's office. What resulted out of this was Vic was charged with five crimes while he was in office as district attorney. Vic went to jury trial on these five crimes and in these five crimes, the juries found him not guilty on all five. Jurors even spoke out after the trial, saying that this was a setup and a frame job against Vic for basically his questioning of the Texas Rangers and what they did. Where we got a black eye at the bar, and this is one of the things I really want to apologize to Vic for, is after the not guilty verdicts against Vic, the state bar moved after his law license. Well, at this time, Vic was basically bankrupt, broke. He had no money after the criminal defense, and he wound up negotiating a fully probated suspension, which he successfully served. But later after that, Vic turned around and withdrew and was resigned as DA and sued Channel 8, the Belo Corporation, in Dallas. In that, he had to find not only was the information that the news perpetrated - and the report is not true - but it was done with malice. And understand it was these things brought up in these news reports that were used against him in the criminal case and then against him later in the bar action against him. Vic went to trial. The jury found that not only were the allegations false and untrue, they found malice and entered the largest verdict for liable in the history of this country. And I believe that's still the largest verdict today as we sit here today. But as things would be known, you know, Vic lost everything in this. He lost his home. He basically lost his family. He lost everything for doing the right thing and standing up. Now with DNA coming into the picture - there was no DNA in those days - DNA now has proven Vic right in the majority of the cases. And one of the cases that was most important to Vic was the Salazar case. Because when DNA became available and the DNA was run from the crime scene, it identified a killer, and it wasn't Henry Lee Lucas. There was another killer. And because of the false confessions of Henry Lee Lucas, these people were allowed to be out there and prey on others, kind of something along the lines of what happened in the Michael Morton case, which we now have 39.14 in the Texas Code of Criminal Procedure. But the real killer was found. And an interesting fact was while Vic was under indictment for these criminal charges, the citizens of McLennan County reelected him as district attorney during that time. They have that much faith in him that they did not remove him from office. This is one where somebody stood up, did the right thing, stood his ground, and in time has been proven right. Two juries have proven him right. And this is why our Vic - because he did do the right thing. He did follow his oath as a lawyer. He stood up for the oppressed. And actually, in the end, he wound up representing Henry Lee Lucas pro bono to try to get these cases against him thrown out. And that's kind of one of the interesting things that I find about him. But just also you know about him, you know, he is such a pro bono advocate that in 2018, the McLennan County Young Lawyers gave him their pro bono award for pro bono service. Vic continues to give back, continues to give to his community. And Vic, with this, I want to congratulate you. Thank you for your exceptional service as a lawyer, being the role model that you are, and if there's anybody that deserves an award for doing the right thing, I believe it's you. Thank you, Vic.

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VIC FEAZELL: Thank you, President McDougal. I'm so honored. And I'm humbled to receive this recognition from the state bar. I thank the decision makers and I thank the membership of the state bar of Texas. The practice of law is an art. I hope we all remember that it's an art, and let's strive to use our art always to make this world a better place. That's all I can say. Thank you, President McDougal.

LARRY MCDOUGAL: Thank you, Vic. Mr. Chair, it's yours.

CHARLIE GINN: Thank you, Mr. McDougal. With that, we are going to move to the chair of the board election. At our January meeting, the board voted to conduct this election by use of online voting for election of the 2021-2022 board chair elect. We will be using the BoardEffect platform tool called Poll for the online voting. Therefore, voting directors, it is imperative that you log-in to BoardEffect. If you're having difficulty, please text or call Chielsey or Jennifer. You can see their numbers on your screen. The state bar rules only require - pardon me. The state bar rules require that the directors be present to vote. Voting by proxy is not allowed. The only - voting members of the board may vote in the chair election. These electronic votes are subject to the Open Meetings Act and the Open Records Act. For that reason, we are having you log-in to your BoardEffect account as verification. As provided in the policy manual, the election will proceed in this way. In the first round, you will vote for one of the three chair candidates. If one candidate receives a majority vote of the board members present and voting, that candidate wins the election and will be chair elect. I'll say that again. If one candidate receives a majority vote of the board members present and voting, that candidate wins the election and will be chair elect. If no candidate receives a majority vote of the board members present and voting, the candidate receiving the fewest votes will be dropped from the poll, and we will have a second poll with the remaining two candidates. If one of the two candidates receives a majority vote, that candidate wins the election and will be chair elect. In the case of a tie, the chair may cast a vote to break the tie. Do not do that to me. Y'all have already done that to me once this year. Not again. At this point, I'll allow Chielsey and Jennifer to provide instruction on how to vote using the BoardEffect tool called Poll. You will need to be logged-in to BoardEffect either on your computer, iPad or tablet. You are unable to vote using the mobile phone app. Again, if you have any questions or need help, please text or call them. Chielsey and Jennifer, are y'all going to give instructions at this point? OK.

JENNIFER REAMES: Can you hear me? OK. Chielsey is sharing her screen to demonstrate how to locate the poles on BoardEffect. On your computer or device, please make sure you're logged-in to your board portal. If you're on an Android tablet, you must log-in to BoardEffect in the browser.

CHARLIE GINN: I'm so sorry to do this, Jennifer. Steve, do you have a point of order?

STEVE FISCHER: I do. And...

CHARLIE GINN: OK. And you got to - for the record, for the points of order, I saw your hand. I know what you're doing. I want to be as fair as possible. For points of order for others, if you do have one, don't just raise your hand because I may not see it. You need to yell out point of order to get my attention if you can. Steve, what's your point of order?

STEVE FISCHER: OK, great. And first I signed in 15 minutes early and I wasn't let in, so I missed a few minutes. But I was here. And my point of order comes because I think it's relevant to this chair election. And it's not a dispute with Charlie. It's a big picture thing of what I think the bar ought to be doing. I put in a timely matter - manner, three items on the agenda or I tried to. I went to the subcommittees way

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before that and said, hey, let's discuss this. So I'm going to tell you what the things are. I'm not going to argue for or against them. That's not the point of a point of order. But I'm going to show why I think they're important. OK. And the first one was about remote hearings. And when the first Facebook group started that talked about lawyers in a discussion group, it's called "Make the State Bar Relevant." And it's important that relevant - that we do things that are relevant to our members. OK. So the first one, it goes, be it resolved by the board that we appreciate and commend the work of the remote task force. And I had Tracy Christopher mentioned in there and addressing the issue of remote hearings. So why is that important? I know we give out a lot of awards, but Justice Christopher had been working hard on getting a policy done. And when you write to her, she writes right back. She's been great, and she's somebody that we should certainly - should recognize. And then the meat of the matter and Dianne had helped me on this about giving attorneys the option to use Zoom in non-witness hearings. And then the third part was that the office of - and this was just mine. I didn't test it with people - that there be one website with just one or two clicks and people could see the rules for every county in the country, in the state. So that - on that one, why is it important to be on the agenda? We're not the ones who actually make the policy. But the average lawyer, they're not interested in who is chair. They're interested in their daily practice, and Zoom is a big part of it. And even since - just in the last day I have lawyers that write to me and say, hey, this judge is doing - is not allowing Zoom. And we're all close to...

VICTOR FLORES: Chairman. Chairman, this is Victor Flores. I have a point of order. I believe the points of order are to be raised if the rules appear to have been broken. I'd like to ask Director Fischer which of those rules he's saying is apparently broken.

STEVE FISCHER: All right. I think the rules of where - of allowing things on the agenda, because I went through the rules. I wrote the sub - I wrote Sylvia's subcommittee. I wrote Emily Miller's in a timely manner. And these things were rejected. So please, I'm not...

CHARLIE GINN: Director Fischer...

STEVE FISCHER: Every time I try to speak...

CHARLIE GINN: Director Fischer, I was - I had a couple of people raise their hands and probably wanted to ask the same question that Victor did. For points of order, you need to state the issue, state your point of order in a concise manner so that we can rule on it. I'm trying to give you some leeway because you asked me to, but I need you to state the point of order so that we can then rule on it and move on to the chair election. OK?

STEVE FISCHER: OK. The point of order is that I could - I tried to put something on agenda, which attorneys are - bar directors are allowed to do. I did it in a timely manner. I wrote each committee, one of them in February, and on the legislative issue, as soon as we knew that there was a matter that was to be discussed by the House of Representatives. And I did it in a timely manner. And you have other things to do. And you took your time in rejecting it. But you did on the day when it was too late for me to get 10 signatures and to get it on the ballot. So you sent that letter April 6, so I didn't have a chance of any other way. And I think it's important to say which - what they were so people can - and those committees can say...

CHARLIE GINN: All right. Director Fischer, you've said your point of order. I will allow you to state the three items on the agenda that you wanted, but we do need to move on. I do have a response for you because I think, you know, the only thing I know about the dark is you can't see in it. So we're going to -

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I'm going to give you a response and tell - I want our board of directors to know why we're going to - why we're not putting these on the agenda. But I need you to keep it concise. Tell them the three items you wanted on the agenda so that we can move on. All right?

STEVE FISCHER: All right. That was no. 1 that we talk about Zoom, because that's what lawyers are interested. No. 2 was my changes in the state bar mission statement to include minorities and LGBT. On that, I had written to Sylvia's committee and she let me speak. I'm not blaming that. But I wrote her - I wrote them probably months ago when I - to get on there. So I did that in a proper manner. I believe these things should be discussed by the entire bar, and here's the reason. I'm going to give you a third one, and the third one was about this legislation that I know one person chewed it out, one of the directors, because they didn't hear about it. And that was on the legislation that changes the bar vote, that changes the signature requirement to run for president. That should be - that's something that we should discuss. The state representative was hoping that we would discuss it. And so she - because she - that introduced it. So those are the three things. And my problem with the rules is we use ultra-technical requirements and say that, you know, which hurts transparency. Nobody finds out what goes on in the subcommittee most of the time, and we're not invited always to see it. I'm talking about the public. So I had those three things. I thought they were important. I did whatever I could to get them on the agenda. I wrote the subcommittees, and you rejected them on April 6. And I couldn't get - and that was the day I would have had to do the 10 signatures. And in general I want the bar to be more transparent and discuss things that lawyers really care about. That's it.

CHARLIE GINN: All right. Director Fischer, just as a brief response, I want to identify a couple of things. First of all, I didn't reject on April the 6. You reached out to me on March the 31, and I told you exactly how to get these items on the agenda. You did not follow the proper procedure under the policy manual of 1.12.04. But I told you how to follow it. I told you how to get the items on the agenda. Further, the items that you wanted to put on the agenda already had committees that were working on these issues. I encouraged you to go to the committees. I encouraged you to speak to the committees. I understand you attended some. These issues that you're talking about are currently being worked on by these committees. All right? And then finally, on your third issue, on the remote proceedings, that's requesting that we do something for a task force that's not under the bar's control. So I do find that your points of order are not valid, and we are going to move on. I am not going to entertain discussion at this time from other directors at this point on these issues before the election. If anyone feels the need to discuss these issues after the election, I'm open to do that. But we need to move forward and have this chair election and then move forward from there. So with that, I'm going to turn it back over to Jennifer with my most sincere apologies for interrupting you, Jennifer. Would you please tell us how we're going to vote in this election?

JENNIFER REAMES: Sure. OK. Chielsey is sharing her screen to demonstrate how to locate the poles on BoardEffect. From your computer, once you are logged-in to BoardEffect, please click on the Home icon located on the left-hand side and scroll down to See My Polls. Click on the name of the poll, electronic ballot no. 1 for chair election. You'll make your selection and hit submit. Once you've made your selection, your vote is complete.

UNIDENTIFIED PERSON: I'm not getting that.

MARIA HERNANDEZ FERRIER: Jennifer, do we totally need to get out of this screen and, you know, get out of here and go back. And go back into...?

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CHIEELSEY BARBER: Yolanda - or I'm sorry. Maria?

MARIA HERNANDEZ FERRIER: Yes.

CHIEELSEY BARBER: Did you hit submit?

MARIA HERNANDEZ FERRIER: No. I have - no, I need to know, do I need to totally get out of this to go into Board Effect again?

CHIEELSEY BARBER: No, you don't have to. You can just open up Board Effect on top of the Zoom call.

MARIA HERNANDEZ FERRIER: OK, thank you.

KIMBERLY WILSON: I did have to open up Board Effect again. Just - Maria, if you're having trouble, I had to go back into it before that poll showed up.

MARIA HERNANDEZ FERRIER: You know what? I think so too, because when I go back to my browser, it's - asked me to launch meeting again.

CHIEELSEY BARBER: Maria, can you access your email?

MARIA HERNANDEZ FERRIER: Yes, let me go to my email.

CHIEELSEY BARBER: OK, I just requested a poll through your email, so you can click on that link.

MARIA HERNANDEZ FERRIER: OK, so - all right, I'm here at my - here's my email. And what do I do now? You said there's a link. Did you send me a link?

CHIEELSEY BARBER: Yeah, it will come from Board Effect.

MARIA HERNANDEZ FERRIER: OK, it hasn't come through yet.

CHIEELSEY BARBER: OK, I'm doing it again.

MARIA HERNANDEZ FERRIER: OK. Oh, there it is. Thank you, Chielsey. OK, so I will - all right. OK. Board Effect - great. Click here to access poll. OK, thank you. All right.

CHARLIE GINN: Director Hurst, if you can hear us, we have not gotten your vote, so make sure you hit submit on that if you can. And Maria, have you been able to hit submit?

MARIA HERNANDEZ FERRIER: Yes, I have.

CHARLIE GINN: OK, I think we got confirmation on yours. One second everybody. All right, there will be a run-off. We are moving on to round two, the four candidates moving forward will be Santos Vargas, Diane St. Yves, David Sergi and Adam Schramek. If everyone will give me just a few moments, we will move onto round two. We're setting up the new poll. You will vote exactly the same way you did the first time, and Chielsey and Jennifer will be on to give instructions in just a few moments.

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KIMBERLY WILSON: Derek, I don't know if you can hear me, but I would like to just reach through the screen and hold your baby.

CHARLIE GINN: I saw that earlier, Derek. We're going to need an update, man.

KIMBERLY WILSON: Yeah.

DEREK COOK: Yeah, I'm home, and the 2-year-old brother went to gym class, so she's watching the bar meeting, participating. She's got - trying to figure out who she wants to vote for board chair. Haven't figured it out yet. Whoever's got the best teething toys.

UNIDENTIFIED PERSON: He's very good.

CHARLIE GINN: All right, we have - your second poll is up for the first run-off. If you would please log in - say you're not logged in, please go back to the poll. It should - there should be a designation - second poll or - Chielsey, what's the designation for the second polling? Electronic number two is the title. So please send in your vote on electronic number two. Thank you.

MARIA HERNANDEZ FERRIER: Chielsey, could you send me an email again? That worked great.

CHIEELSEY BARBER: It should have gone through.

MARIA HERNANDEZ FERRIER: OK, let me go to email.

CHARLIE GINN: Madam President Britney Harrison, have you voted?

BRITNEY HARRISON: Yes. It's saying it submitted.

CHARLIE GINN: Thank you. Let me check.

RANDY SORRELS: I voted for the large polo shirt, does that count?

CHIEELSEY BARBER: Maria, have you gotten your vote cast?

MARIA HERNANDEZ FERRIER: No, I'm - so I went back to my email and clicked on the one that you just sent, and it says this is a notice to log in, OK - please select one candidate. I mean, but it - when I hit it, it goes back to my original one. It doesn't have the names of the candidates again, so that I can...

CHIEELSEY BARBER: I'm going to call you on cell, OK?

MARIA HERNANDEZ FERRIER: Thank you. Thank you.

CHARLIE GINN: Director Hurst, can you hear us and if you can't, it's OK. If you're not available, that's all right. Just wanted to check in. Director Hurst, can you hear us? We do have a new chair. Congratulations to your chair-elect, Santos Vargas. Congratulations, Santos. Congratulations to every chair candidate who ran a wonderful campaign, and I know that you all reached out and made relationships, forged relationships and took time. And I just want to acknowledge you all for just a wonderful, wonderful

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campaign. Thank you for your leadership. We're going to count on you next year going forward. Santos, it is tradition for the new chair to give a few remarks. The floor is yours, sir.

SANTOS VARGOS: Thank you, Mr. Chair. And I want to thank everybody who took the time to speak with me during this campaign and share their thoughts for the next year. I really appreciate it. I'm going to take all of those thoughts and ideas to heart and consider this for next year. And look, the only thing that I can do is to promise to work hard for all of you, and to promise to be fair. And I promise that right now. I will be a fair chair to the board. And I look forward to serving all of you and serving the State Bar of Texas next year. Thank you, everybody, and thank you to all of the other candidates for chair. Everybody was extremely gracious during this election. I think, I've got to be better friends with a lot of the chair candidates than I had been before. And so everybody's done a great job. I appreciate it. I look forward to next year. Thank you, everyone.

CHARLIE GINN: Thank you and congratulations, Santos, again, and thank you, again, to our other - our candidates who were all just absolutely wonderful. With that, I think, we are going to move to our report from the executive director, Mr. Trey Apffel. Oh, and before I do that, I need to acknowledge that some people have shown up for attendance purposes. Director Michael Dokupil, thank you for being here. Director Benny Agosto, thank you for being here. Director Steve Fischer, who we heard from, thank you for being here. And, Denise Hoggard, thank you for being here. Mr. Executive Director.

TREY APFFEL: Thank you, Mr. Chair, and good morning, again, board members. I want to give you an update relative to happenings at the state bar. First of all, with regard to the last rule's vote, Texas lawyers overwhelmingly approved all eight proposed amendments to the disciplinary and procedural rules in the month-long voting process that ended on March 4. The Texas Supreme Court now may adopt or reject the proposals approved by our membership. The court has ordered a hearing to consider the proposed rule amendments from 9:00 a.m. to noon on May 4 via video conference. The hearing will be broadcast on the court's YouTube channel. The amendments' proposed effective date is July 1, 2021. With regard to Texas Bar CLE, I am pleased to report that Texas Bar CLE developed free online courses relevant to the pandemic and winter storm and has continued complementary offerings on a variety of other topics as well. Since June 1 Texas Bar CLE has provided close to \$5 million in free CLE events to our members. These courses are available to all lawyers at TexasBarCLE.com in the online classroom under free online classes. 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 and 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 our own president elect Sylvia Borunda Firth as our new president, and some of the planned CLE programs. More information about the online event will be announced very soon. Also we are rescheduling the 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 legislative update, I want to bring you up to date on House Bill 23 93 which you've heard mentioned previously. On February 26th Representative Yvonne Davis filed House Bill 23 93 relating to state bar elections. The bill would do three things. Change the number of petition signatures needed to run for state bar president-elect from the 5% of membership to a fixed number that number being 500 signatures. It would also require the bar to accept electronic signatures on petitions - something that we're already doing - and also prohibit discrimination in state bar elections. State bar officers were briefed on this bill in early March. At the time, no one felt a need for the state bar to take a position on the bill and we agreed to monitor it. The bills were also included in the Friday update. On Wednesday, April 14th, the House Judiciary and Civil Jurisprudence Committee took testimony on the bill and I appeared as a resource witness. It's our understanding that past president

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Joe Longley has taken the initiative on this bill being filed, and I've spoken to past president Longley about this, and he testified on Wednesday in favor of the bill. Also testifying in favor of the bill on that date was Steve Fischer. And President McDougal was signed up to speak but he had to leave before his turn to speak came up. But he was recorded as being in favor of the bill. The House bill was left pending in committee. A companion bill in the Senate, Senate bill 891, has been referred to the State Affairs Committee. Now that the bill is active before the legislature, President McDougal has indicated he intends to take it through the state bar's legislative process. The bill has not yet gone through our process, so this is not posted for action or discussion on today's agenda. However, the policy manual offers us a process to swiftly consider action on this legislation before the next board meeting, and we will be initiating that process. I want to bring you up to date on the Texas law center, our building. Over the years, we have experienced some leaks downstairs in our parking garages and we have patched those leaks and made some stopgap measures. The leaks are continuing and have increased somewhat recently. It's very likely that these leaks come from groundwater, from the various underground tributaries, which we know affect the whole capital complex. We've hired a professional engineering company, Wiss, Janney and Elstner Associates, or WJE, to help us design a plan to improve our waterproofing and drainage systems here at the Law Center. WJE recommends a series of grout injections on specific walls on levels P2 and P3, and that way we will improve our drainage system. We will continue working through this with our engineers, but understand that this may be a continuing issue. Any needed repairs for this project would come from our law center fund. Next, an update on 1415 Lavaca. Work is nearing completion on the potential purchase of that building and property. We'll have a brief update for you in our executive session. I'm excited to give you an update on our return to office planning. To ensure a safe and cautious return for all of our staff the process of returning to the building is being implemented in four phases. We are currently in phase one. We are safely and gradually building up occupancy in the offices with the goal of reopening to the entire staff by September 1. This timeline is tentative and subject to change based on guidance from state and local levels, the CDC, OSHA, as well as the rise of new COVID-19 cases and or hospitalizations. Texas Bar CLE events are scheduled as webcasts through at least June 30 but we are working on plans to safely resume in-person meetings and we will keep you posted on that. The state bar of Texas has remained fully operational and fully functional during the pandemic with the exception of in-person meetings, but we are excited to finally be in the planning stages of getting back to normal, as everybody likes to say. With regard to our June board meeting, we are preparing for an in-person meeting. Let me say that again, we are preparing for an in-person meeting in Austin, which will be held in a space that will allow us to safely social distance at the 6-foot requirement. All attendees who attend that meeting will be required to wear a mask. We will provide an option to attend the meeting remotely for those who are not yet comfortable with an in-person meeting. Jennifer will be sending a survey to you so that we can learn of your plans to get the meeting set up. So we will be excited to see, hopefully, all of you in June. Want to give you the ethics filing update. We have a deadline coming up. Voting members of the board should have received a notice from the ethics commission that the personal financial statement filing deadline was extended from April 30 to June 30. This deadline was extended at the same time the IRS tax deadline was moved. Again, this affects all voting members of the board and Kay Lynn said to tell you, yes, that includes third-year directors who are rolling off the board in June. Next, it's my pleasure to brag on some staff here at the state bar. I want to present this quarter's staff excellence awards to our ethics helpline attorneys, Ellen Pitluk and Rita Alister, there they are on the screen. As you know, the pandemic has gripped our world for the last 14 months and has affected every aspect of our lives and livelihoods. At the same time, the state bar changed and adapted, searching for the best ways to serve and support our lawyers during this very challenging time. That's where Ellen and Rita come in. Throughout the pandemic, our ethics helpline attorneys continued answering calls, continue answering ethics questions, but they also began to notice a trend. The calls from lawyers became longer, and they

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often strayed from ethics questions into more general concerns about the pandemic, their lives, how to make ends meet and how to make sense of it all. While the calls may have begun with a professional concern, callers in general seem to be craving an interpersonal connections. Without naming names, Ellen and Rita described for me in general terms, taking emotional calls from lawyers who had just lost jobs, lawyers going through a firm breakup, some wondering how to market themselves in a tough economy, and others fearful about being forced into an in-person meeting that could endanger their health. Rita and Ellen answered the lawyer's questions. More importantly, they listened when needed, and they referred several to TLAP for more specialized help. At the same time, they experienced an incredible flow of gratitude back from those that they helped. Some called back to thank them, or they left voicemails of appreciation. I wanted to express my gratitude to Rita and Ellen as well. Thank you both for going above and beyond in service to our members in a very, very difficult time. You've made a difference in their lives, and you've made a difference in the state of Texas from the way that you've handled yourself. Thank you very much. Next, as you've heard, Chielsey Barber is leaving the state bar after nearly four years as the executive assistant to the board. I have enjoyed my time in these last three years working with Chielsey She always brings an attitude of can do with her to the board. She always brings it to the office every day, and she's a joy to be around. Chielsey had an excellent opportunity present itself to her with another organization here in Austin, and we are very happy for her and her new opportunity. At the same time, we are sorry to see her go. She's done a wonderful job during her time here. She and Jennifer Reames have led our efforts to modernize the board's administrative functions through the board of ed portal, which is a major and, I believe, an outstanding accomplishment. So Chielsey moving forward, know that all your friends here at the bar are here, and we're pulling for you. And don't forget, I still had your cell number. Thank you, Chielsey Next person I want to recognize is Don Jones. Don is retiring after nearly 30 years with the state bar of Texas, and he is leaving a tremendous legacy of service. Don started with the bar in January 1992 as the coordinator of the newly created Texas Lawyers' Assistance Program. A fun fact from Don's initial hiring memo, Don was a member of the rock band, No Alibi. And he performed at the Austin Aqua Fest on three different occasions. Don has served in many capacities since then. Over the years, his titles here at the bar have included TLAP Director, strategic planning team leader, special services division director, deputy director of operations, legal counsel and, most recently, legal and Attorney Services Division Director. And I'll add one more, the go-to person for everyone or anyone who just needed to talk. Don has worked for or managed a number of departments here at the state bar, including TLAP, law office management, local bars, annual meeting, Law Student Division, minority affairs, TBLS, the legal counsel's office and strategic planning. As you can see, Don has changed titles and offices probably more than any other employee at the state bar. He stopped putting his position title on the business card, because as soon as he would take one position with one title and get the card printed, his job duties and title would change, and he would have another duty added to his list. In all seriousness, Don's wealth of experience and knowledge of the state bar of Texas are immense and invaluable. The range of his titles and duties speaks to the versatility of his talents and the extent of his expertise. His dedication to the bar, to his colleagues and the people we serve are apparent in the way he shows up every day, eager to do his part to advance the state bar's mission. Don, on a personal level, you've been a great help to me and coming into the bar and the bar's family, and I want to thank you too as well. So I know Don will be greatly missed by our staff, our leadership and the membership of the state bar and certainly by me. And Don, to honor you, we have a small token of our appreciation that we're going to be presenting to you. It says - it's got the state bar seal on it - 30 years of excellence. Don Jones, for your hard work and dedication, you will be remembered as one of the greats, May 2021. Thank you, Don, for your service.

UNIDENTIFIED PERSON: Thank you, Charlie. So where one door closes, another opens. And that brings me to Brad Johnson.

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UNIDENTIFIED PERSON: (Inaudible) here.

TREY APFFEL: Brad has been promoted to the position of in-house legal counsel. He brings a broad range of experience to the job. Brad most recently served as the disciplinary rules and referenda attorney at the state bar, and before that served as an ethics attorney here at the state bar. His professional background includes work as an attorney at the Texas Ethics Commission, the Texas Commission on Environmental Quality, the Texas Department of Transportation and Private Practice. During his legal career, Brad has worked extensively in the areas of legal and governmental ethics, employment law and administrative law. He received his Bachelor of Arts from the University of Texas at Austin and his doctor of Jurisprudence from Texas Tech University School of Law. Brad, we're glad to have you, and we look forward to working with you moving forward. Welcome. And lastly, we learn this week about the passing of a legal legend, Mr. Lloyd Lochridge of Austin. Among the many notable things about Lloyd was that he served as state bar president in 1974, 1975, which was a very consequential time for our bar. The Texas Law Center was financed and built during his presidency. The State Bar implemented a statewide program of law-focused education in the Texas public schools and the client security fund was adopted. Also during the 1974, 1975 time period, there was a continuation of the statewide lawyer referral system and improvements were made in standards of bar admissions. A Harvard Law graduate, he was admitted to the bar of the District of Columbia in 1942 and to the state bar of Texas in 1945. During World War II, he served as a lieutenant commander in the US Navy and retired from the Navy as a commander. He practiced law in Mission, Texas, from 1945 to 1959 before moving to Austin and becoming a partner in the McGinnis-Lochridge's predecessor firm, and he stayed with the firm for the rest of his career and became a leader and mentor to countless attorneys. Even past his one 100th birthday, Lloyd was still going into the office most workdays. Lloyd was always active in promoting ethics in the practice of law in pro bono work and in volunteer leadership. In addition to his service to the state bar, he was a former member and past president of the Hidalgo County Bar, a member and past president of the Travis County Bar, and a member and delegate of the American Bar Association, among many other leadership roles. There was an outpouring of commentary from many past presidents once they were notified of Mr. Lochridge's passing. While I won't repeat all of them, I want to quote one who kind of summed it up for everybody, and that was past President Guy Harrison. Guy said, Mr. and Mrs. Lochridge - you noticed he included Mrs. Lochridge. Mr. and Mrs. Lochridge were both the epitome of what we should all want the representatives of the State Bar of Texas to aspire to be. The very personification of quality in class, both professionally and personally. We extend our sympathies to the Lochridge family, Mr. Lochridge's colleagues and his many friends. Mr. Chair, that completes my report.

CHARLIE GINN: We certainly echo Trey's thoughts and prayers to Mr. Lochridge and his family. I do want to say congratulations to Brad. We're looking forward to your leadership here at the bar - your continued leadership. And just to echo some of Trey's words about Don Jones, Don, you're an institution. I don't have the words to say thank you for what you've done, for the friend that you are, for the service that you've given. And so thank you for your service. With that, are there any comments from any of the directors? Seeing no hands, hearing no voices, we will move forward to our report from the president, item number eight. It is - just for planning purposes - 10:15. At 10:45, or at the conclusion of President McDougal report, whichever comes second, we will take a short 10-minute break. But with that, Mr. McDougal, the floor is yours, sir.

LARRY MCDUGAL: Thank you, Mr. Chair. Let me just kind of pick up for Mr. Apffel went off - or talk about on the House bill that Ms. Davis has proposed. We had meetings with Ms. Davis. It appears that the only - she's going to do a committee substitution on that bill. The only thing it's going to do is change

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the voting number from 500 to basically 1% and that all the other language and everything, I believe, is going to be removed. When we were informed of that, I'll tell you that we came over to the law center, met with Trey and Kaylene and ran it all down. And then, we went back and also talked to Ms. Davis. And so the decision was made now is to run this through the process of - with our bar. So we'll be asking the Legislative Affairs Committee to pick up the ball and run with it as soon as that amendment or that substitution is filed. So that's kind of where that is, just so everybody understands what's going on. The other thing with Mr. Lochridge - I just want to add that a few years ago, I had the privilege of sitting in his office and visiting with him. And I could tell you he was a character back then. I mean, I enjoyed sitting and talking to him, because he had a lot of old war stories, a lot of jokes. And I thought he was just really a class act, and he's definitely going to be missed. Moving onto discussion item number A. Let's talk about "Together We..." a little bit. Again, I can't take credit for this at all. This is all Rob Crain and Project Unity out of Dallas's bill, but I have a lot of friends that are on the - shall we say, the conservative side of our profession. And in talking to them, I've encouraged a few of them to go to "Together We..." and I've gotten good reports. Most of them went into it very pleasantly. And I've gotten good reports back from every one of them. Every one of them said they learned something, and they enjoyed it. And if you're not promoting it in your district, I would ask you to. I would love to see these things fill up. I mean, unfortunately, we've had some that have filled up and only half the people or less show up when we actually do it. But in addition to getting free CLE, it's not a lecture. It's not a critical race theory. It's just listening to just different point of views. I mean, it's something completely different than what we see a lot of times. And I really want to encourage everybody to encourage our constituents to the lawyers of Texas to attend this, because I think it is a pretty eye-opening experience. And I think we've held events right now, districts one through 10, and we have the other nine scheduled throughout the month of May. And we're on track of meeting that goal of having one in every district by that time. So that is right on track. Another issue - many of you all know with TLAP, and I'm a big fan of TLAP and really pushed hard to get another person added to TLAP. We have the Sheeran-Crowley trust. And the Sheeran-Crowley trust is basically a trust for lawyers that don't have the resources or the finances to get into counseling or services immediately. We have this money available to get them in there. And now, I'll just kind of go through, here, what I've got. This - the 2020, now 2021, has been a difficult time for many Texas attorneys. Some have struggled financially, mentally and physically due to the challenges brought on by this pandemic and our winter storm. The struggle is evident when looking at the number of grants provided by - to Texas attorneys by this trust. And let me tell you, the meeting with presidents from other states around, they don't all have this. This is one of the things that we have in Texas is this trust. This year, though, our trust is reporting a record year in terms of providing assistance to Texas lawyers. Just since April of 2020, we provided over \$246,000 in grants to 85 attorneys. That's doubling our annual average of what we have with lawyers calling in for assistance. And the Texas Lawyers Assistance program that refers these attorneys to the trust. Once they demonstrate the financial need, they can benefit from it in both treatment and mental health care. And I'm glad to see - I mean, it's kind of a double-edged sword. I hate to see that so many lawyers are taking advantage of this. But on the other hand, I'm really happy to see that the lawyers that need it are taking advantage of it. And as a result of that, we've drawn down on our funds from the trust. So what we decided to do - and I have a meeting with Trey, and I'm not taking credit for this idea either. But the decision was made to basically take \$150,000 from our funds and move them back into the trust so that we have our trust back pretty much close - I mean, it's not fully funded, but it's funded until we get into the next budget year and then we can move forward with those kind of things. This is going to come basically from unspent operations. If you've looked at our budget, we've had a big savings this year because basically, you know, we're not spending the money that we once did. And with that, that's got - gave us the savings. So we're going to take that 150, put it back and fund that trust. And I want to encourage you to ask your friends and fellow lawyers - considering making contributions. I mean, if

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somebody is looking for a charitable contribution or something to make, if you make it here, this goes right back to the lawyers. It helps our lawyers that are in need. So if you want to, you can. The donations are basically at Sheeran - S-H-E-E-R-A-N - Crowley - C-R-O-W-L-E-Y - one word dot org. And that's something I'm just very proud of is Chris Ritter and his group back there and the work they do. I just can't say enough good things about them. I mean, the worry I have is that we're going to burn our staff out, because they are working so hard and doing such a tremendous job back there. And - but anyway, I just want to make you aware that we've had that kind of participation this year. A record year for the number of lawyers seeking help, which leads into something else that would bring up a little bit later. Let's move on to item number B, to criminal terrorist task force on criminal court proceedings during COVID. I'm going to introduce the honorable Alfonso Charles. He's one of our co-chairs of this task force, and he is also the administrative judge for that region out of Longview. Judge Charles, the floor's yours.

ALFONSO CHARLES: Thank you. Thank you very much, President McDougal. I'm here giving this report on behalf of myself and co-chairs Kim Culpeppers, the district attorney from Rockwall County, and Grant Scheiner, the president of the Texas Criminal Defense Lawyers Association. Our task force has been meeting regularly for several months. The first part of when we were meeting, especially when the courts were under restrictions, it was to give it - the goal was to give advice to all the players, the Supreme Court, Office of Court Administration, lawyers and judges about, you know, how to safely conduct both in-person hearings, but especially how to return to the courtroom for jury trials. And the task force made numerous recommendations, many of those which were put by the Supreme Court when we were - when things opened up last fall for trials again. But when things got totally realistically shut down again, you know, the task force was still looking at ways to do things safely, making recommendations. And then as the courts have started opening up, our meetings have become less frequent. We're now just meeting once a month, but we're still looking at, you know, what can be done, what the recommendations are, and some of the best practices that we can recommend for courts as they return to jury trials and in-person hearings. The task force made numerous recommendations as to when the trials first started out, especially as to the use of face shields and face masks to make sure - one of the recommendations we made was the use of clear plastic face shields during jury selection. That way, the attorneys had an opportunity to see the expression on jurors, the potential jurors' faces, not just hear their answers. Also, making sure that as courtrooms had to be kind of redesigned for jury trials - of making sure the view and the - you know, the participants and the courts took into consideration, OK, where are you going to sit the jurors? You know, what's there going to - how are they going to be able to view things? You know, what technology do we need to use? So the task force has made several recommendations on that. What has happened now over the past few months is our focus has changed a little bit as the courts have kind of really been able to reopen a lot more without further restrictions from the Supreme Court. The task force is still looking at, you know, in each meeting we have, who is doing jury trials, who is doing in-person hearings, what kind of hearings are happening, how much is still being done remotely? And so they can still, again, make recommendations or make observations about, OK, what are we doing well? What needs work? At our last meeting, after discussing what courts are, you know, have returned to trial, a lot of the focus in our last meeting was on some of the legislation that's pending, particularly House Bill 3611 and Senate Bill 690, which are the remote hearing bills, or as we've referred to them as the Zoom bills. And the task force, you know, had a really good discussion on what kind of cases should be subject to remote hearings and, you know, should - what - how should that be done? Should it be done by consent or should the court have control? And there was a split really on how the task force came down on that as we talked about it. The attorneys, you know, first of all, is to jury trials, any criminal jury trial, the task force was unanimous that that has to be done. If we are ever going to do a jailable criminal offence jury trial, it would - virtually, it would have to be done by consent. I don't - there's no dispute on that. But as to regular hearings, as to

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evidentiary hearings or certain types of hearings, the task force was split. And really, the attorneys on one side and the judiciary, those five judiciary members on the other side of whether it should be done by consent or whether the court should have control or, you know, something in between, like maybe the courts - if one side wants it by virtually and the other side does not or if the parties can't agree, you know, what the court has to look at in order to have one of those hearings so we can give advice to the Office of Court Administration and to Senator Zaffirini and Representative Jeff Leach, who are the sponsors of the bills, as those go into committee substitutes. The House bill was heard this past Wednesday night, and the committee substitute has not yet been rolled out. So there's still work being done on that. And there is no hearing date yet set for the Senate bill. But those are the type of things that the task force is really now focusing on because, you know, we have started, you know, what most every jurisdiction now has really started up jury trials. So - and there's not the - while the Supreme Court will still be looking at additional rules to put out or orders to put out, there's still advice for us to give. But really, our focus now is not on - so much on the jury trials itself as the other type of hearings that are out there with the criminal cases. So that's my short report. Any questions?

LARRY MCDOUGAL: Judge Charles, I want to thank you for your time and the excellent work y'all have done. This is one of those task forces that just seems to keep on going and going because we keep coming up with new issues. And our courts, Supreme Court has always listened to everything that we've had to say. And this has just been an amazingly successful task force. So I want to thank you for your continued work and all the other members on this task force. Thank you...

ALFONSO CHARLES: Thank you very much.

LARRY MCDOUGAL: Thank you. Next, we'll move on to item number C. This is the Task Force on Public Protection, Grievance Review and the Climate Security Fund. The honorable Judge Michael Fields. Judge, are you present?

MICHAEL FIELDS: I am.

LARRY MCDOUGAL: All right. You have the screen, Judge Fields.

MICHAEL FIELDS: Thank you, President McDougal. Good to see you, sir. And good to see so many of the folks that I've known and worked with around the state. The Task Force on Public Protection, Grievance Review and Client Security Fund has held a number of meetings. We have broken out into subcommittees to study the three main issues that President McDougal tasked us with looking at - public protection, grievance review and client security fund and how to strengthen that account, maybe raise more funds for the citizens who have, for whatever reason, has been out of money as a result of a lawyer's either conduct or passing. We've held several meetings. And we have had public comment sessions that, I think, President McDougal will tell you have been very productive. And in fact, we've had some of the people who have spoken at the public meetings come to our general big meeting of all of the members - and not the subcommittee meetings - to just give us a little more insight as to some of the concerns that they've had. Also, we are drafting a report for President McDougal to present to this body at the June meeting. And that is my brief report. If there are any questions, I'm happy to answer.

LARRY MCDOUGAL: Judge Fields, there are no questions. Again, I want to thank you for all the hard work that you and this task force are putting in. I think this is a very important issue to the lawyers of Texas and the public. And again, I want to thank you for addressing these things and spending your time doing this. Thank you very much, sir.

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MICHAEL FIELDS: Thank you for giving me the opportunity, sir.

LARRY MCDUGAL: My pleasure. Next, I'd like to move on to action item number D. There's a page in my notes here. This is the directors-at-large position. There are four directors at large on our state board. If you're not aware, one of the terms expire. And I hate to see her leave. And that's going to be Wendy-Adele Humphrey. I mean, I think she's just been amazing as a director. And she handled this board, this position with the director at large very well. The process is spelled out in our board policy manual to fill a position. It's implemented by the ad hoc committee to select at-large directors. The deadline for filing a submission for nomination was December 1st. This year, we have 38 people that submitted nominations by the deadline. And I understand it was a stellar group, and they had a very hard time narrowing it down. The ad hoc committee, which is chaired by Wendy, reviewed these nominations and interviewed eight people from that list of 38. Of that eight people, they said had submitted to me the top two interview candidates. And I interviewed both of nominees by phone. And let me tell you, both of them were deserving of the position on here. But the one I selected is Kelly-Ann Clarke of Dallas. And if you don't know Kelly-Ann, you're missing something. I first met Kellyanne years ago at the local bar leaders conference, and she is just a outstanding, glowing, charismatic individual. And while I didn't get to know her personally, I did get to see her in action, how she interacted with people. And I was just amazed. At that time, she - I think she was still living at Galveston. She's a native of Houston. But in September of '19, we wound up setting with each other at a ABA meeting. And during that time, I will tell you, she just captivated me. I thought that she was just the most amazing person that I'd ever met. Afterwards, I maintained phone contact with Kelly-Ann. And I just - I mean, even my wife enjoys hearing her on the phone because she is just that amazing of a person. And talking to even Wendy-Adele Humphrey, you know, found out she talks and speaks at Texas Tech. I think Kelly-Ann's got her - she was very active at TYLA. She's been very active in our state bar of Texas. She's very active in the ABA. And on top of that, she's adopted two young boys and raising them as a single mom. I mean, I just cannot say enough good stuff about Kelly-Ann. I know she will be a great board member. And I suspect that one day, she will probably be president of the state bar of Texas because I think she is just that good. I would like to thank all the members of the ad hoc committee for their great work and the selection process. Wendy-Adele Humphrey, Andy Almanzan, Britney Harrison, Michael Smith and Kimberly Wilson. I think y'all did a great job. Y'all had a hard decision to make. And I want to thank you for all the work you did. Mr. Chair, at this time, I'd like to make a motion. I'd like to move that the board approve the appointment of Kelly-Ann Clarke of Dallas to serve as at-large director on the state bar board of directors for a three-year term beginning in 2021 and expiring at the annual meeting in 2024.

CHARLIE GINN: All right. Coming from our president whose made the motion, he does require second for approval. Any director who wishes to second the motion, please unmute and state your name along with your second.

ROB CRAIN: Second.

: (CROSSTALK)

CHARLIE GINN: I heard a lot of you. I'm going to pick Rob Crain just because I heard Rob Crain and saw his picture flash up. Rob Crain seconds. All directors who are in favor, please say aye.

UNIDENTIFIED PEOPLE: Aye.

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CHARLIE GINN: Any oppose? Hearing none, congratulations to Kelly-Ann Clarke. You do most certainly have big shoes to fill with Wendy-Adele, but I know, Kelly-Ann, that you are just going to be a wonderful addition to the board. We are so excited to have you. With that, back to you, Larry.

LARRY MCDUGAL: Thank you. Is Kelly-Ann...

CHARLIE GINN: Kelly-Ann, I don't believe, is with us this morning.

LARRY MCDUGAL: OK. All right, very good. All right. Now, we'll move to action item number E. And this kind of goes hand in hand with the issue that we had with the action in the Sheeran-Crowley Trust issue. The action item here is considered to approve the creation of a work group of Texas lawyers' needs arising in the 2020 pandemic and the 2021 winter storm. I've spoken to a lot of lawyers and had a lot of lawyers reach out to me. Basically, you know, their reserves are gone, their savings are gone. They're not signing clients. A lot of lawyers live off court appointments. And with the courthouses being closed, they're just struggling out there, which probably goes to a lot of the needs and the issues that we're having. So what we've considered doing and want to do is put a work group together on the lawyers' needs arising out of this. This is to work to identify the areas and places that we can help the lawyers, where we can assist the lawyers, what we can do for the lawyers. Now, I don't want to shortchange the things that our member benefits and Cory and them have already been doing. In fact, we're going to include Cory and his group into this and see - and also, TLAP and see what we can do and put this together. I've chosen co-chairs of Roger Keith from Lubbock and Cindy Tisdale, who I think everybody knows if you've ever been to a family law conference to co-chair this deal. And we're hoping to put this together to basically assist our lawyers, let the lawyers know that we care. This has been approved by the executive committee. And so we're asking this task force to be put together. It will meet by video conference, so there will be no expenses. Speak up. Mr. Chair, at this time, I would move that the board approve the creation of the work group on Texas lawyer needs arising from the 2020 pandemic and the 2021 winter storm.

CHARLIE GINN: Coming from the president's motion, it does require a second. Please state your name and your second, please.

MICHAEL HURST: Michael Hurst, I second.

CHARLIE GINN: All right, Director Hurst, thank you very much. All those in favor, please respond by saying, aye.

UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: Any opposed? Hearing none, seeing none, the aye's taken. It's approved. The floor is yours, Mr. McDougal.

LARRY MCDUGAL: Thank you, Mr. Chair. All right. This next one is consider and discuss approval of a resolution in support of Texas day of civility in the law on September 17, 2021. The Texas Supreme Court and the Court of Appeals have designated September 17, 2021, as the Texas Day of Civility and Law. On the day - on the agenda today is a resolution of the state bar to join our courts in celebrating this day of civility. The State Bar Professionalism Committee is very much a support of this initiative. The resolution states, in part with civility, is at the heart of Texas lawyers' creed and is the hallmark of our profession. As leaders of the State Bar of Texas, we want to urge all lawyers act civility to preserve our system of

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justice and to embrace the principles espoused by the Texas lawyers' creed as they vigorously represent their clients. On September 17th, a number of local bar associations led by the Dallas Bar Association will host a day of civility celebration. The Houston, Austin, San Antonio and Nueces County bars are joining with the Dallas Bar and will be working together on making this program available statewide. The state bar will be helping to promote the event to our members. Mr. Chair, at this time, I believe the board approved the resolution in support of the Texas Day of Civility in the law on September 17, 2021.

CHARLIE GINN: Motion coming in from our president does require a second. Please state your name along with your second.

LUCY FORBES: Lucy Forbes. I'll second it.

CHARLIE GINN: Thank you, Director Forbes. All those in favor, please respond by saying aye.

UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: Any opposed? Motion passes. I'm glad we agree that we all need to be civil. Any comments from the directors? Mr. President, your floor.

LARRY MCDUGAL: Mr. Chair, that concludes my report. Thank you, sir.

ROB CRAIN: Rob Crain.

CHARLIE GINN: Director Crain, did I see a comment from you? I'm sorry.

ROB CRAIN: Just a quick comment. Our own board member, Michael Hurst, really, the origins from the Dallas bar area on the day of civility and taking it toward the state, just wanted to recognize him for and congratulate him for the birth of his thoughts and his program taking it and now moving it statewide.

MICHAEL HURST: Rob, thank you very much. If I may be recognized also to call out Jerry Alexander, who was president of the Dallas Bar Association when we first had the day of civility. But thanks to everybody and thank you very much, Rob.

JERRY ALEXANDER: Would not be the first time I took credit for something Michael or Rob Crain did. I was glad to do that.

: (LAUGHTER)

CHARLIE GINN: Thank you, Director Hurst, Director Alexander, and thanks, Rob, for bringing that to our attention. That needed to be said. Thank you very much. Mr. McDougal, does that conclude your report?

LARRY MCDUGAL: That concludes my report, Mr. Chair.

CHARLIE GINN: Thank you very much. Sylvia, Madam President elect, I'm going to take a break now, if that's OK so people do not feel rushed because we want to hear what you have to say. So with your permission, Sylvia, let's take a quick five-minute break. I've got us at 10:37. Why don't we say at 10:45, we will come back on and resume our meeting. Thank you very much. Sorry, everybody, it is now 9:47,

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and we will call this meeting back to order with our report from the president elect, madam president elect's - excuse me, 10:47, my fault. Madam President elect, the floor is yours.

SYLVIA BORUNDA FIRTH: Thank you very much, Mr. Ginn. Before I begin my report, I want to take a - just a little personal privilege to express some gratitude. I want to thank the staff for all of their assistance this last quarter. This has been a very busy time for the president elect and they're always there. And as Trey said, they haven't missed a beat working remote from home and recovering from the winter storm, et cetera. The staff is always there, and they're doing a great job. And I really want to thank them for that. I also want to thank you all because on the consent agenda was the first batch of my appointments for the standing committees. And thank you for approving those. And I hope when you look them over, you'll see that the - with the assistance of Ray Cantu and Miranda Moore, we worked really hard to make sure that we address diversity in every sense of the word, and I mean including practice areas in geography in the state. And it's not as easy as you might believe when you're trying to take into account people's personal preferences of places they want to serve. And there's not necessarily all of the openings that you that you would like. We didn't displace people, and we've worked hard to make sure we appointed people pretty much where they wanted to be. So thank you for that. And thank you to Ray and Miranda for all of their assistance. And just as Mr. McDougal mentioned, we had a record number of people applying to be at-large directors, which is really encouraging. And I'm working also to reach out to them and make sure their interest in the bar is acknowledged and try to place them in committees and give them assignments, so we bring them into the fold and continue to develop their leadership skills. So we're still working on that. So you'll still see some more appointments in June. So the first item on my report is with regard to the Task Force on Diversity, Equity and Inclusion. And we've had five meetings on November 12th, December 10th, January 20th, March 3rd, and most recently April 9th. During the March meeting, the members participated in training on implicit bias conducted by Dr. Aaron Reeves, the same instructor we had who provided the board training in January. And at the latest meeting on April 9th, the task force heard from Judge Ravi Sandill about his efforts on diversity, equity and implicit bias in the Houston courts. And as Mr. Fischer mentioned, he also presented. You all will recall that when Mr. Fischer presented his idea with regard to amending the lawyers creed, you referred that to the task force. And it is being considered by one of the task force subcommittees. We've divided this task force into the following subcommittees - CLE education, communications, pipeline issues, administrative issues, and implicit bias. And each one of those subcommittees is busy writing now, that we have initial drafts of recommendations that are being compiled for report for you. And we're working really hard to have it ready for the June meeting. And I want to thank that task force. They're really working very hard. The Budget Committee is an action item requesting - we're asking you to consider approval of the State Bar of Texas 2021-2022 proposed budget for presentation to the Supreme Court. A public hearing on the state bar FY 2021-2022 proposed budget was held on April 6th by Zoom conference, as is required. And the proposed budget has not changed since it was presented during the January board meeting. And your packet includes a copy of the proposed budget as it was published in the March issue of the Texas Bar Journal. Today, I'm seeking board approval to present the proposed budget to the Supreme Court. And pending your approval, a meeting will be held with the court on May the 10th. So I hereby make a motion on behalf of the Budget Committee that the board approve the presentation of the FY 2021-2022 proposed budget to the Supreme Court.

CHARLIE GINN: Coming from a motion, no second is required. All those who are in favor please respond by saying aye.

UNIDENTIFIED PEOPLE: Aye.

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CHARLIE GINN: Any opposed? Hearing none, seeing none, motion passes. Floor is yours, Madam President elect.

SYLVIA BORUNDA FIRTH: OK. The next reporting item is also an action item, which is to consider and discuss acceptance of the Committee Review Task Force report. The Committee Review Task Force completed its review of the Bar Standing Committees on behalf of the executive committee. The State Bar Act requires the Executive Committee to conduct a comprehensive review of the Standing Committees biennially 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 met with committee chairs and staff liaisons to review the activities of each committee over the past two years. 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 statement of the bar and the overall purposes of the State Bar Act. There is no significant overlap of activities among the committees, and there is a continuing need for all the work of the committees. While we don't have an action item pertaining to the committees or the structure of the committees, we did include in our report several notations to monitor and review in the coming next two years. Number one, the executive committee should confer with the disabilities committee as they were considering whether to expand their purpose and their committee name. 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 in civil matters noted that other bar groups work on similar activities as they do. They would like to look at potentially refining their mission and purpose, and the executive committee should seek their feedback on their role 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, since there are two subject matters. They requested that at present right now, they also requested a need for the appointment of more family law attorneys, which we attempted to address. And the executive committee should consider these two ideas going forward. The final - the task force looked at term limits for committee chairs. We recognize that there's a balance between needing to have experience in the chair positions, but also needing to rotate the committee chair to allow new leadership and ideas. For example, a term limit of two or three years for the position could accomplish these goals. We have some of those committees - I saw it as much as eight years, somebody chairing one of the committees, which doesn't create a lot of opportunity for new leadership. So we would like the executive committee to look at that in the upcoming years. And that concludes our report. We have no specific recommendations that require action by the board and the agenda action posted is simply to accept the report as the executive committee's official review of the standing committees as required by the state bar act. So I move that the board approve the acceptance of the committee review task force report.

CHARLIE GINN: Coming from a committee it does not require a second. All those in favor, please respond by saying aye.

UNIDENTIFIED BOARD MEMBERS: Aye.

CHARLIE GINN: Any opposed? Hearing none, seeing none not the motion passes. The floor is yours, madam president-elect.

SYLVIA BORUNDA FIRTH: That concludes my report. I want to congratulate Santos, look forward to working with you, and I want to commend the other four candidates for stepping up and being willing to serve in that capacity. We look forward to working with you in the future to serve our profession. Thank you all.

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SANTOS VARGAS: Thank you, Sylvia.

CHARLIE GINN: Thank you, Sylvia, for your leadership, your unwavering leadership. We are so excited for next year. With that we'll move to our immediate past president, Mr. Randy Sorrels, for his report. Mr. Sorrels. Randy, if you're talking, you're on mute and we can't hear you. Randy, we'll come back to you. We may be having some technical difficulties, we're going to move on and we're going to skip number 11, Jerry, until we can get with Randy on the nominations and elections meeting.

RANDY SORRELS: I think I'm good enough, Charlie. Sorry.

CHARLIE GINN: Yes, sir. We can hear you, Randy.

RANDY SORRELS: OK, it was - thanks for your help, Chelsea, I texted her. So I don't have a big report to make. And I think Jerry's going to give the nominations and elections subcommittee - and is my picture on or am I off there as well?

CHARLIE GINN: I think we've got your actual picture, but we don't see you right, it's your...

RANDY SORRELS: Come - oh, here we go. OK, there we go. Thank you, Chelsea. And I'm going to miss you, Chelsea, as I texted you, finding out that you're leaving. Again, I want to say what everybody else has said. The people who stepped up to run for chair-elect were brave and courageous. And I appreciate that. And I encourage all who are considering running next year to start the campaigning process. Now, what I mean by that is, is get to know your fellow directors through phone calls, reach out, support each other because your leadership does make a difference. Congratulations, Santos. I know you'll do a wonderful job. I love to see diversity in our profession and how you've stepped up from San Antonio and have led the way. And Sylvia and Larry - Larry, you especially, the efforts you've made to increase diversity have been wonderful. From a standpoint of what's happened to me since we last met in January. I was undecided where I was going to go. We were - my wife and I were being courted by a couple of law firms to join them, and it was exciting. Then we ended up trying a case. I'm telling you this because I think that our system is ready to get back into full action. We end up trying a case in February and got a very good result on a high publicity case. And it also told our courts here in Harris County that we can get jury trials done safely. We picked a jury at NRG. We had a five-day trial. Lunch was brought in. Everyone was socially distanced. We wore masks, we wore face shields. And it was a good experience. So I appreciate Larry's task force trying to get us back to the courthouse up and running. After that trial, my wife and I sat down and talked and said joining other people would be great. We've done that before. I've never had my name at the head of a law firm. And so we decided to open up Sorrell's law. And although I'm still in my same office, thanks to my friend, good friend and former partner, Benny Agosto, we're going to move here at the end of the month. We've now hired our six full-time lawyers. We have two contract lawyers. We have Hispanics. So you have two Latinas that speaks Spanish. We have two African-Americans, an engineer, a nurse, a former CEO of a hospital. We have a trial lawyer coming on who does a lot of auto crash cases. We have a business lawyer who's helped us. So I'm really excited about that. And I try to say that because I think it's important for all of us to not just talk the talk of diversity, but walk the walk and try to do the hiring. That's I think, appropriate to give everyone a chance, although luckily I think I've gotten five superstars to join me and we feel really blessed. So that really concludes my report. I appreciate the opportunity last three years to serve. I'm sorry over the last year, we haven't got to see each other very much. But I know Sylvia's year is going to be an excellent one. We're going to get back to in-person meetings to try. I think it's wonderful. We're

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going to hopefully meet in June. And your leadership has been wonderful and I yield the floor. Thank you so much.

CHARLIE GINN: Thank you, President Sorrels. We are excited about that. If you didn't hear Trey earlier, we are planning on having that in-person meeting in June. So that will be exciting, to get to say hello and for some of us, goodbye all at the same day. But that'll be an exciting time. With that, I'm going to turn the floor over, it looks like, to immediate past chair, the best dressed man in the bar, Jerry Alexander.

JERRY ALEXANDER: Thank you, Mr. Chair. Ray Cantu has provided Randy and me with an excellent summary of the activities that have been going on in the election for the nominations and elections subcommittee report. And I'll share those with you. Of course, we have two excellent candidates running for state bar president-elect, Sara Dysart of San Antonio and Laura Gibson of Houston. And they've been campaigning the best they can during the pandemic. The state bar, in order to help them get their messages out, produced a series of videos with personal messages about themselves that have been played and available. The Metro Bar Association also put the candidates on a candidates' forum where they had the opportunity to talk about their visions for the state bar. We are featuring information on the candidates in the April issue of the Texas Bar Journal and the April episode of the State Bar of Texas podcast. There are also a number of social media posts and so I think everybody is familiar with the candidates or certainly have an opportunity to do so. There are also 10 district director positions that are up again this year as they are every year. The chart of those open positions is included in the meeting materials. There are two contested races in Houston and one contested race in San Antonio. We are monitoring the daily returns as they come in. As of yesterday, Thursday, 13,379 attorneys have voted, which is about almost 13% of the almost 107,000 attorneys that received a ballot. The returns are increasing. The trend on the returns is positive and goes, it goes up every day. And I know just from questions that have been asked to me by other lawyers that I see now, they know that they haven't voted, but that they're going to. The results of the election will be posted on the state bar website on the evening of April 30th. The policy manual committee has been working on amendments regarding the vetting of candidates and has asked everyone for their input. Our committee will look forward to seeing any comments you have about that process and we'll provide feedback on the proposals. And, Mr. Chair, that concludes the report of the nominations and election subcommittee.

CHARLIE GINN: Thank you, Jerry. We appreciate it. We will go now to some parts - pardon me, any discussion or questions about these reports? Hearing none, seeing none, we'll move on to item number 11B - that was throwing me off - thank you, Chelsea. 11B, our policy manual subcommittee from director Adam Schreck. Your floor, sir.

ADAM SCHRAMEK: Great. Thanks so much, Charlie. I'd be remiss if I didn't start off by congratulating Santos. I know the past few weeks we've all been making phone calls to everybody. And I want to echo Randy's statement that folks should absolutely run next year. It's a great experience win, lose or draw. I had fantastic conversations with a lot of the directors, and I can't wait to continue those in person when I can begin the conversation with at least a handshake, maybe a COVID bump. We'll see and we'll see what January, June looks like when we get there. I'm about to get the second shot, folks, so looking forward to that. All right. Let's get down to business. As Jerry mentioned, the policy committee has been hard at work this - it says host disabled participant screen sharing. Could I get screen sharing enabled? The policy committee has been hard at work. If you remember where we started this year, we had a couple of the special meetings we had and a couple of references to the policy committee. One of those references was to look for a code of conduct and whether or not we should have a code of conduct applicable to the board. And then the second one had to do with additional vetting of president-elect

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candidates. So if we start with the code of conduct, it's on page 106 of your packet. This is the current draft of the code of conduct that has arisen out of the work since July. We've had multiple meetings, multiple red lines, multiple discussions. This thing started at about 12 pages and I think it's down to three. At this point, every word in every sentence has been vetted, argued, and this is the result and ultimately landed upon by the policy committee. It's interesting if you go to our landing page, when you go into board effects, it says director resources and one of the first little round bullet things is a code of conduct. And if you click on it, in fact, you don't see a code of conduct for the board. You see a code of conduct for every member of the bar when they're attending events and conferences. This was passed by another board several years ago. And if you read it, it does a lot of what we were trying to do, right? And so the first thing that the policy committee decided to do is to include that and make it applicable to the board members, to board events, to all your board events. The state bar of Texas's existing events and conference code of conduct. So that's really how we handled, which was one of the biggest issues of professionalism and ethics at board meetings, at board events, at board dinners, when we're out of town, at all of the activities and importantly, they are underlined in the opening paragraph it when participating in the affairs of the board and its committees and sections. That's when this code of conduct applies. It's to your work as a director. And we noted - and by the way, a lot of folks contributed to this. We looked at nonprofit codes of conduct out there, public company codes of conduct, other bar association codes of conduct. And this is the result of that detailed deep dive into what are others doing and what's the best course for the state bar going forward. And one thing we noted is almost all of them say no code of conduct can anticipate every situation. So these are really guiding principles to be applied in different circumstances. So the second issue is care, inquiry and attendance. And we thought it was important to say that directors are expected to be generally familiar with the state bar documents, right? If you're a director, you should be generally familiar with them and you should be taking steps that are reasonably necessary to be sufficiently informed to make decisions on behalf of the bar and to participate in an informed manner in the board's activities. So this is kind of like, you know, when you start and you say, well, what's expected of me, what is the expectation? This document helps set that expectation. It helps tell new board members, and existing board members, how should we be conducting our affairs at the board meetings. It also, instead of trying to explain all the things you should be doing, we know you need to comply with all rules, laws and regulations. If you don't, then that is an actionable item that the board can address. You know, you violated a rule or a law. It's not just that, you know, the prosecutor may come knocking at your door, but the board gets to address it as well. We have the authority to address the fact that there's been a violation of law that occurred. And, in fact, I didn't even know this but apparently in the penal code, there's a provision about misusing information that you obtain in the confidential executive sessions we have. It may be out there, it may exist, but, you know, let's make sure everyone knows about it, put it into the code of conduct. And again, if you violate it's not just a criminal act, but it's an act the board can act upon as an improper action. On the diversity, equity and inclusion. You know, we thought it was important to distinguish between what people should aspire to do, right, and what they are required to do. And so we have both an aspirational element to it, and then we also have an element about a board member shall not engage in certain behavior, such as intending to degrade or humiliate people based on protected characteristics. On the enforcement side, we thought it was important to start at the ad hoc submission committee. You go there if you have a complaint. They may, at their discretion, pass it on depending on, you know, the facts and circumstances, in their judgment. If they pass it on to the executive committee, at that point, a board member will be allowed to, you know, attend the executive committee, provide written and explain whether or not, you know, they agree that a violation has occurred or not. And if the executive committee makes a decision, that decision may be appealed by the board member in question to the full board. So that's kind of the due process element around the code of conduct. And I know that was important and I talked to a couple of the judges that have been on this board in an advisory opinion

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capacity, and they wanted to make sure that there was some sort of a due process, you know, provision in there to make sure that everyone got heard. Finally, on corrective actions, you know, it's nonexclusive, may include without limitation, and it goes through various things that could occur. Clarifications you can ask for from our general counsel. And one very important part of this is what I call the savings clause, right, nothing in here is intended to in any way inhibit free speech. This is about actions. This is about a conduct. This is about, you know, think about if you're at an event and someone is sexually harassed, is another board member or another member of the public at the event? Someone imbibes in too much alcohol and is loud and yells and starts pushing someone around. That's conduct that we should not allow at our board meetings. That has nothing to do with speech. And finally, we add this to the board training. So as you can see, it's a little over two pages. It incorporates existing policies, right, that are already applicable to events and to board directorships. And we thought it was very important not to present the final product and then go, all right, let's have a discussion and a vote. This is too important for us all to, you know, have had a day or two to look at or let's face it, we're all busy. We may not have had a chance to read it. That's why I wanted to walk you through some of the key provisions. And at the next board meeting, we're going to we're going to bring it up for a vote. And there may be some amendments between now and then. The policy committee welcomes all input on this, not only now in the discussion period, if you want to address something, but also, you know, if you want to come present to the committee, that would be fine. If you want to make written submissions, that's fine. If you want to call any member of the policy committee and talk about, well, why did you do this? Well, why didn't you do this? You know, there's a lot of work and effort that went into this. And we have about two to three months now for everyone to get comfortable with it, to understand it before we bring it to a vote, including a discussion of whether there should be any amendments. But that's the code of conduct that we were asked to consider and to make a recommendation to the board on. That's the current draft. The other thing that we addressed was the - oh, wait it's down here. Here we go, the additional vetting and selection of candidates for president-elect. One of the things that's interesting when you read the policy committee is technically there's really no due diligence required at all. If you read it, basically they could collect resumes and send two resumes to the board and go, these are the two resumes that look good to us. But of course, in practice, that's not what's happening. At the same time, we think it's very important that our policy require due diligence before a recommendation to the board occurs. So this is the current red line that we've proposed that will be going to the nominating committee next because we don't have enough time between now and the next meeting to go to the nominating committee and then come back to that. We wanted to put it out there for everyone so that you can then go to the nominating committee if you have comments, you can come to us if you have comments. But this is the draft and we had nominating committee members participate in this as well. This is the draft that we've proposed. And if you look at it, the one thing we do is say that in the initial process, as far as - they get in 100 resumes in the initial process, they're not required to do anything in particular before they narrow down the resumes to the people they want to consider. But the key is that once you get down to the issue of here are the people we want to select and put forward to the board as the nominating committee's suggestions, right, or their nominations for the two positions - we thought was important that they shall, not may, they shall perform due diligence on those nominees that they desire to the board and that that shall include but is not limited to consideration of social media activity. We're not going to tell you how to do it. We're not going to tell you order social media reports from a third-party company. We're going to tell you you need to take it into account and you need to make sure you understand what's out there, not because we're worried about regulating speech or we're picking winners and losers, because we want to make sure if there's something out there that's controversial, the board knows about it before it votes. Right? This is completely informational. We want to know what's out there. We don't want to be surprised. It might be a situation to where we say, OK, I can see how that could be taken out of context. It's OK. We know about it. We have our PR person

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ready. We have a statement needed if it comes out and we can immediately quash it and go that's an unfair characterization of that post. That post was, you know, this, that and the other. We're prepared. We know about it. We're not taken by surprise. That's the point of that due diligence requirement. And finally, on the announcement of candidate side, we also thought it's very important to have a process where every attorney in Texas has the opportunity to ask a question. Look, maybe the nominating committee didn't ask the right question. Right? It's possible. The candidates right now walk around from office to office, shake hands, hand out their little flyer and who asked a substantive question when that happened? I never did. Oh, good to meet you. Oh, yeah, oh, great. Thanks. You have a great - OK, great. And they move to the next person. They've got to move so fast because they're trying to get as so many offices as possible. So what we're proposing is that the state bar is required to hold at least two town halls. Town hall similar to the one that was held for this election. But the one thing that we noted in this town hall that just recently occurred was there really wasn't a sufficient amount of time to have questions and answers from the attorneys as opposed to the person selected to do the interview. Right? Now, I love Jo A. Merica. Don't get me wrong, she did a fantastic job. But that did not allow an attorney out there that had a question, a meaningful amount of time to ask that question. And so what we want to do is to say not only you're going to have at least two town halls, but those town halls shall include the option for attorneys to attend and participate remotely. And as you see in the beginning, those town halls have to be halls at which Texas attorneys may ask questions of the candidates. Right? So if they have a question, if they went and found some post, they have the opportunity to ask it right there in public. What about this? I want your answer. Again, this is all focused on making sure the public has an opportunity to be informed, to ask real meaningful questions of the candidates, and that we make sure the people we put forward have had sufficient due diligence that we know before we vote what potential issues could arise. So those are the two proposals. You now have 2 1/2 months to think about it, to confer with whomever you want before we'll come back with our final proposals and ask for a vote. We also have some kind of red lines that we've added here and policy that I think going to be pretty non-controversial. I'm not going to discuss those, they're in the packet. Please do read them before the next meeting because we'll be voting on them and I'll give a short summary of them next time before we vote. But with that, that is the status of the recommendations from the special board meeting. And we look forward to a vote at our final meeting of the year.

CHARLIE GINN: All right. Just to reiterate, this is not an action item today. This is not something that's being decided on today. This is going to be readdressed next meeting, so we all have time to look at that. That said, I do see a hand raised. We can discuss it, but there is not an action out of today. Director Fischer, you have the floor.

STEVE FISCHER: Thank you, Adam. I see under the diversity, you have race and gender, which is great. I actually think the bar's always been good about that, despite some of our critics. But there's nothing in there about political viewpoint where people with different viewpoints, in my opinion, have been shut out of the bar, even if they're not my viewpoints. So my first question - I have two - is, would you consider putting something in there, regardless of race, political viewpoint, ethnicity, gender? Would that be something you would consider? Is that...

ADAM SCHRAMEK: I'm not sure if I get to go back and forth or how this works.

STEVE FISCHER: OK, well, let me ask my second question then. OK, and then the second thing is this vetting of political candidates. You know, it seems like, if we have this bill passed and then anybody with 1,000 signatures - I thought 500 was too little also - can run, why don't we just let the voters, you know, be democratic, be transparent and let them run? Because you can say that the bar doesn't discriminate

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on political opinions, and yet never in the history of the bar has someone who ran on a position that they'd rather have a voluntary bar - would they ever come close to making one of your two final cuts? They could be perfect in every other way. And I don't even know anybody - you know, Joe, me, we're all for a mandatory bar. But I mean, are you sure that there's not going to be vetting based on what their beliefs are?

CHARLIE GINN: Director Schramek, what I would say is - if it's OK, you know, just to reiterate all - when you have those questions and comments, go ahead and submit those to the committee so the committee can look at that, Steve. I think it's a fair question. Unless you want to respond now, Adam. But I thought that's what you had indicated earlier.

ADAM SCHRAMEK: I mean, you're dead on, Chair Ginn. I absolutely welcome that comment, Steve. I don't - I'm not the committee. I'm just the chair. So I don't want to commit one way or another to anything. I want to have the discussion about the point you raised with the other members of the committee and then we'll make a recommendation. But absolutely, those are all fair points and I look forward to discussing them.

STEVE FISCHER: Thank you.

CHARLIE GINN: Dr. Smith. I think you had a question as well, correct?

JASON SMITH: Yes. Thank you, Chair. Adam, y'all have done a lot of - I can tell y'all have done a lot of hard work and I appreciate it. I had two suggestions, which I've emailed you, which are to include where you have the listing in paragraph D about harassment and the list of behavior - if you could put before that the word discriminate. It tracks other law out there and would provide a framework. I think that's what y'all were getting at. But I think that it tethers it to a body of case law and gives people guidance of what their duties are. And then where you have the term behavior in paragraph D, adding the words "or actions" - a board member can have an action as a member of a committee or as a chair or vetting someone, and I think behavior may cover that. But I think the term "or actions" makes it that much more precise. Again, thank you for all your work.

ADAM SCHRAMEK: Sure. And I received your email and we will definitely consider those points. Thank you.

JASON SMITH: Thank you.

CHARLIE GINN: I don't see any other hands or other folks that wish to speak on this. So hearing that, Director Schramek, does that conclude your report?

ADAM SCHRAMEK: It does.

CHARLIE GINN: Thank you very much. And thank you for your committee's hard work. I know that y'all have spent a lot of time on this. Thank you very much. With that, that'll take us to item number 12. Steve Naylor - Steve, can you find your unmute button?

STEVE NAYLOR: I believe I have it off mute. The DCAAP committee has no report.

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CHARLIE GINN: I couldn't find my unmute button. All right, thanks, Steve. We appreciate it. We know your committee is hard working. Thank you for that. Director Crain. You are item number 12B.

ROB CRAIN: Thank you, Mr. Chair. I'd also want to add my thanks to Chelsea and Don. Chelsea, going to miss you so much and thank you for all your personal help this year. And Don, goodness gracious, you are why we are in the healthy position we are in today in 2021. Thank you so much for your long service to all of us. Congratulations, Santos. The Texas treasurer is a tough act to follow, but you will do so in your own style and lead us to greater heights going forward. Reporting for the hardest working subcommittee of the State Bar of Texas - we met on April 13th. We reviewed 17 cases. Of those 17 cases, we paid out on eight claims totaling \$37,006.01. For the year, paid out of the fund is \$496,580.02. The total applications presented so far this year - 246 cases, all reviewed by the hardest working subcommittee of the State Bar of Texas, and 154 of those have been approved. A couple of comments about this month's review that were kind of highlighted is we continue to see more and more of the claims coming in due to the passing - the deaths - of attorneys and their trust funds not having the funds in them that should have been in there, as well as just not being prepared for death and their professional cases and clients. So that's something that I know that our task force will want to - and Judge Shields will want to continue to look at, and I know they are. Also, something unique that came up this month is we have a payout that is going to a minor. And prior to this committee's work, there has not been any kind of system or preapproved process on how to handle the distribution of funds to minors. So this wonderful committee this year is going to deliberate. We are working with Gene Major to make sure we understand what our authorities are under state bar rules and other authority, to make sure that we handle money for minors in appropriate way. One - just a point that - privilege that I'm going to take real quick, and Judge Charles in the task force is working, I know, diligently on it. I'm very thankful, Randy, for your comments about the trial you had in Harris County. I want to just say on that topic real quick, there needs to be an urgency - an urgency by the attorneys and the state bar of Texas in regards to the reopening of the courthouses for trials in a safe manner. I think that we all sometimes are looking within the walls of our practice. I know we're all concerned about our clients' cases, but they are coming to us in litigation because there is a dispute, and the inability to resolve that dispute has consequences for them - serious consequences, life-threatening consequences at times. It also affects attorneys who don't work on a traditional billable hour practice - many of my brothers and sisters in the personal injury world - and their ability to be able to help clients. So I believe there needs - and I know there is, I know there's task force - but we need to keep that urgency in front of mind as we're trying to get courthouses safely opened. Thank you for the time, Mr. Chair. I yield to you.

CHARLIE GINN: Thank you, Director Crain, and appreciate all the work you and your subcommittee are doing. Number 13 is our Audit and Finance Committee. That's Alistair Dawson. Director Dawson, are you with us?

ALISTAIR DAWSON: I am.

CHARLIE GINN: All right. Floor is yours, sir.

ALISTAIR DAWSON: Thank you, Mr. Chair. All the materials related to the presentation by the audit and finance committee are available on the audit and finance portion of your electronic meeting book. Looking at the next slide, this slide presents the financial operating results of the State Bar's General Fund, which is the primary operating fund of the state bar. The February financials show that the state bar is doing well nine months into the current fiscal year. As of February 28th, the general fund actual net revenues over expenditures and transfers totaled just over \$5.7 million, as you can see from this

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slide. And for the record, I think we're - the Audit and Finance Committee this year is on pace to set a record for positive variance for the state bar of Texas. We'll confirm that in June, we'd like that memorialized in the June minutes. But I'm just predicting that for you, it's forthcoming. So this chart shows revenue trends of the general fund by department for the current fiscal year to date compared to prior years - prior two years. The top three revenue generating departments are membership - not surprising - Texas Bar CLE - not surprising - and MCLE. The financial trends indicate that several departments show a revenue decline for the current fiscal year when compared to prior years, and this is almost entirely attributable to the effects of the pandemic. One department is actually showing a revenue increase, and that's member benefits, due to the expansion of that program. This chart is in your board packet under the financial dashboard. Going to the next slide - similar to the previous slide, this chart shows expenditure trends of the general fund by division for the current fiscal year to date compared to prior two years. This chart shows that expenditure trends for many of the state bar departments have decreased compared to the prior two years, and that's as a result of the travel and - I mean, savings that came from less travel, conference costs, holding meetings, et cetera, et cetera. This chart is also in the financial dashboard. So nine months into the fiscal year, we are on path set a record. I may have to take issue with Mr. - Director Crain's comment about the hardest working subcommittee, but that we'll decide in June. So nine months into the fiscal year, the amount of the general fund net revenues over expenditures budgeted was - so what we budgeted is we would have a positive variance of \$527,000 and some change. We're actually at \$5.7 million in positive variance for a difference of \$5.2 million. In other words, we are \$5.2 million ahead in terms of a positive variance than what we had budgeted at the beginning of the year. And we - you know, candidly, when we set our budget, we took into effect the pandemic, but we've done even better. I would like to take credit for that, but that would be false. This is all attributable to the entire state bar staff, so they have done a fabulous job of stewarding our finances during this pandemic. And the primary reason for this variance is, of course, the decrease in meeting and conference calls because we're doing all these meetings remotely, and further details and explanations are in the financial highlights document in your packet. So the - a copy of the state bar's February 2020 quarterly investment report is included in your board packet. Barry Boyer, senior management consultant for PFM Asset Management, LLC, presented the investment report to the Audit and Finance Committee yesterday. The state bar's general fund portfolio is fully invested, as required, in U.S. treasuries, federal agencies, commercial paper, insured certificates of deposit and AAA-rated money market mutual funds. The total balance of the general fund investments was \$29.5 million as of February 28th. Overall, the portfolio is highly liquid and maintains high credit quality. The portfolio generated a quarterly return of .05%, which slightly outperformed the benchmark six month Merrill Lynch Treasury index of .04%. PFM representatives continue to work closely with the bar's finance director to place investments in those areas that will produce the highest yields while maintaining safety of principal and liquidity as required by the Public Funds Investment Act. On behalf of the Audit and Finance Committee, I make a motion to accept the February 28th, 2021 quarterly investment report.

CHARLIE GINN: Coming from the committee, no second is needed. I do need to hear a second, would you please state your name? I'm sorry, I don't need a second. I just said that. So all those in favor, please respond by saying aye.

: (AYES)

CHARLIE GINN: Good. Any opposed? Hearing none. The motion passes. Santos, this is about to be your job, so just maybe earlier than what you intended. All right, motion passes. Ms. Darlene Brown could not be with us today, so we are going to move those action items to June meeting. With that, Mr. Dawson, does that concludes your report?

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ALISTAIR DAWSON: Almost. I will say - so Darlene Brown conducted the internal audit. As you will remember, they audited three sections of the - or three portions of the state bar. The results of that audit were presented to the Audit and Finance Committee yesterday. It's all good. It's all great news. Our finance department is doing a fabulous job, and you'll get the details of it when she's able to present. She had a family emergency. You'll get the details of it in our June meeting. But I just want the rest of the directors to know that there were no issues whatsoever. They gave a glowing report. You'll hear all about the glowing report in June, but there is nothing - they identified a few minor issues with a few of the sections, and the state bar staff and the folks in the finance department are working on addressing these very minor issues. We'll hear more details about that in June. And with that, that concludes my report, Mr. Chairman.

CHARLIE GINN: Thank you, Director Dawson. Y'all are certainly - have been working hard this year. We appreciate it very much. That takes us to item number 14, the MCLE committee - Mr. John Boyce. Are you with us, Mr. Boyce?

JOHN BOYCE: All right, thank you. Thank you, Chairman Ginn. Now, I want to tell you about the - probably the hardest working committee of the state bar and the work that we've done in the last several months. Some of this I mentioned to you when we visited - when I visited with you in January, so I just want to - I won't spend a lot of time on what we talked about earlier. But in any event, as you are aware, you all at your July 27th specially-called meeting voted to ask our committee, the MCLE committee, for recommendations regarding implicit bias training. And I'm going to quote what that resolution was - quote, "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 by the board's January 22nd, 2021 meeting." Then in September - on September 25th, you made a second request, and I'm quoting - "that the state bar MCLE committee study and report back to the board regarding the possibility of categorizing MCLE courses on the subject of mental health and substance abuse as eligible for legal ethics/professional responsibility credit," end of quote. I want to say that we have wholeheartedly fulfilled that request. I presented, as you recall, our preliminary recommendations to the State Bar Board of Directors on January the 22nd. Today, I'm here to present our final recommendations concerning these issues, which include the actual amendments that we propose to the standards - accreditation standards. Now, let me give you some background - I appointed a subcommittee to study and make recommendations to our larger committee on both of these matters, and it's - when I say recommendations, the subcommittee was really more involved and looking around the country at the way that this has been handled in a variety of states, so it's like doing a lot of research more than anything. And so they sent questions out to various states that have an implicit bias requirement or are such an option for MCLE credit, attorney wellbeing requirements, things like that, and got back a number of responses. There were three states that they really focused on. One was Missouri, Illinois, and Florida. And the subcommittee, working with Erica and Jean and Lowry, felt that Florida probably had the best model for us in Texas. And so they actually interviewed the MCLE director of Florida's bar and how the process worked in Florida and so forth. And so we also - let me say this, we were - we got a number of comments, I don't know how many dozen. But the comments would go to the board and then Amy would split those out as they affected our work. And then we got them and we reviewed them. So we have gotten all kinds of participation from around the bar and maybe even around the country, as far as that goes. So anyway, the subcommittee came back and we've had some long meetings with all of the committee, and we went over all these things. There were at least - I just want you to know how hard we have really worked - there were at least seven meetings - separate meetings - with the committee trying to work through all of this. I bet I've had dozens of calls with Jane

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and Erica and Lowry on how we go forward in this thing, so we've spent a lot of time on this. Any changes to regulatory policies, as you know, must benefit the entire bar and improve the legal education framework for lawyers, and we think we've accomplished those goals. Now, our recommendations are on the slide, you're going to see here pretty quickly. We are not recommending mandatory requirements at this time. The committee unanimously felt that, for the lawyers of Texas, that an optional approach was probably the best way to handle this. So we want to offer Texas attorneys the opportunity to receive ethics credit for implicit-explicit bias, attorney wellness, that fulfill the ethics course accreditation requirement, OK? We call that that this approach creates a, quote, "pathway," quote, for implicit and explicit bias, attorney wellness to be included in the three hours portion of it, so we see that as a tremendous first step. And as I said before, we voted unanimously for that recommendation. And my committee, aside from the staff members, has 12 members in it and a variety of - a lot of diversity within the committee, and it was unanimous is what we all thought. Now - so if you will look at the next slide, please, you will see our action item here - now to make it simple, we thought about all - how to do this a lot of different ways. We didn't amend the bar rules. We didn't amend the regulations. We amended the definitions behind the standards - accreditation standards. That was the easiest, simplest way to approach it. And from my committee's perspective, it's those standards that we focus on 99 percent of the time anyway. So this is something we would be looking at. And so I think you can see the language in red. It says what it says. And we had a meeting and I bet we spent two hours word sniffing, like all lawyers do, these definitions. And if we didn't have to quit, we'd probably still be there today playing with all the ands and others and so forth. But this is what we came down with. It was vetted by the staff and the - I think John Sherman and Don Jones and everybody reviewed this. And so I think it's real clear what it says. And so I would commend that for your review. If you approve these items, we would recommend that they be effective as of June the 1st, 2021. And if so, then the MCLE committee will work with the communications of bar and the CLE Committee to create a guide on what revised standards may look like and send it to all sponsors so that they will be clear of the kind of items that we - kind of courses that we might accredit. And we fully realize that whatever we do here, we'll have to come back and deal with it when people - when sponsors propose certain courses, and we are prepared to deal with that. So anyway, I'm open to any questions. I feel very excited about this. I want to commend my committee. Everybody was there at virtually every meeting. They took it seriously, very thoughtfully, with a lot of nuance on how to approach this kind of thing. So I think you can be proud of the committee and the lawyers of Texas could be proud that I think we have discharged our duty to you all, as you've asked us to do, in the most conscientious manner we know how to do it. And we couldn't have done it without fabulous staff members Jean and Erika and Lowry. So thank you very much. I'm open to any kind of questions you have for us.

CHARLIE GINN: All right. I've got a couple of hands raised. And so we're going to deal with the discussion first before we ask for a motion. Madam President-Elect, the floor is yours.

SYLVIA BORUNDA FIRTH: Thank you, Chairman Ginn, and thank you, Mr. Boyce, for all the hard work and to everyone in your committee. We really appreciate the fact that you all looked for a way to make this happen as quickly as possible. But you're correct. I mean, as we go down this path, more and more questions are going to come up and the implement - the devil's in the details - right? - in the implementation. But I have a question with you that's been posed already to me and to bar leadership with regard to the calculation of the credit hours that will be given. And I'll give you a very - I know they won't mind me sharing this with you, but the Houston Bar Association just did a series on implicit bias that was six hours and the credit awarded was only one hour. So how - can you tell us, has there been given any thought to how the credit hours will be awarded and how credit hours for implicit bias training

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differ from anything else that might be credited for ethics, like the attorney wellness or any other - so any guidance you can give would be great.

SYLVIA BORUNDA FIRTH: I wish I could, Madam President-Elect. That's something - you're going to have to ask the devil on that because that is a level of detail we did not address. We were more than happy to do that. We kind of - I know with the staff, we talked about it. But I don't really have anything concrete to tell you what we concluded. So no, I'm sorry, I really don't - I don't know how we're going to deal with that. And for me to say something would be just speculation, so...

CHARLIE GINN: Sylvia, I've got Ray here, who's willing to maybe give some insight on that. Is that OK?

SYLVIA BORUNDA FIRTH: Yeah, absolutely.

CHARLIE GINN: Go ahead, Ray.

RAY CANTU: Thank you, Sylvia. In the proposal, there is no ratios of credit hours. It's just based on the content. So if there's an hour of content that is deemed to be eligible for ethics credit, then it will be given an hour of credit. So I don't want to talk specifics, about a specific course in public, but happy to talk to you kind of offline about that. But it's all based on the specific content that's been submitted.

SYLVIA BORUNDA FIRTH: OK, thank you. Thank you, Ray. And thank you, Mr. Boyce. And I just - I do believe that we're going to continue to have questions like this, so something for the committee and staff to consider as we move forward. And just to conclude by saying I'm obviously very much in favor of this. I know there are a lot of people disappointed that we could not make it mandatory. But I do agree this is a step in the right direction. And I'm hopeful that we'll be able to make enough offerings of good-quality programming that people will choose to participate. And I continue to urge my encouragement to each one of the sections to include this in their multi-day trainings as they're planning for their - for the coming year. And thank you again, Mr. Boyce.

JOHN BOYCE: Well, thank you. I want to say that we viewed our role at juncture is to come up with how to deal with the concept. And then as we move down, as I mentioned at the very end, that would be up to us and the communications division and the CLE department to actually come up with some details about actually what that credit would look like. And we just didn't aggress that. That's not where we were right now, but we were happy to do it. Thank you.

CHARLIE GINN: Director Crain, I see your hand.

ROB CRAIN: Yes, Mr. Chair, thank you. And I want to echo Chairman - or Director Boyce. Thank you for the hard work by you and all your committee members. And I agree these are all steps definitely in the right direction. In addition to Director Almazan, I am a board liaison to the Diversity in the Profession Committee. We had our meeting this past week. We discussed this issue in particular. And I hear you saying it was a unanimous vote, the question I get is why - what are the arguments against making it mandatory other than other mandatory bars are not doing it? If you could help me explain to, not only the committee, but to others and myself, what is the impediment to making something mandatory, if not every year, every other year or something like that?

JOHN BOYCE: Well, that's a fair question. I won't say that we debated that issue in much length on the committee. It was just the gut feeling of everyone that the lawyers of Texas right now aren't ready for a

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mandatory obligation when it comes to those sorts of things. We - I guess the way we saw it - we saw it as a pathway, and this is a first step. And so it was just sort of an intuitive calculation that the bar isn't ready to make something like this mandatory, to say nothing of what - and I'm only speculating what all the consequences would be of a mandatory program legally or with the bar - you know, I'm not here to speculate on that kind of thing, but no one had strong feelings that it ought to be mandatory right now. I know that probably doesn't answer your question very well, but it's kind of where we were.

ROB CRAIN: And I can appreciate and anticipate the response I'm going to get with that answer from this particular committee, and I do personally have it as well. I think it needs to be vigorously discussed and debated. I think Texas shouldn't necessarily concern ourselves with how many states are doing it and how many are not. I think we should lead by doing what we think is the right thing to do. I appreciate the collective wisdom on what is best for all members of our bar and a pathway is a serious consideration. I am just one voice in this, but I would express that I believe this should be considered and debated vigorously, especially if this is a potential pathway. But that debate needs to happen, and even if the outcome is the same, the debate needs to happen now as to why this should or should not be mandatory. I have all the respect in the world for this committee's work, but I disagree with it not being fully debated now as to why it should not be mandatory. And even if the reasoning ultimately prevails and we feel that it's the right step for now and going to the future with a pathway, I believe it needs to be debated and we need to lead in whatever is the best way for the for the lawyers in Texas. Back to you, Mr. Chair.

JOHN BOYCE: Let me just say this, Director Crain, we - that debate is probably best held on your level. We did not copy another state's approach, by the way. It was sort of our intuitive feel about where the lawyers of Texas were at this time. So that's kind of where we come from. It probably deserves a perhaps more vigorous debate, but I think that ought to be more on your level than ours personally.

ROB CRAIN: And the basis for we just feel that's where the lawyers are in the state of Texas - it sounds like that's a gut feel rather than a data-based analysis. Is that fair?

JOHN BOYCE: Well, yeah, I'd say that's fair. We didn't conduct a poll. I mean, in some of the - you know, you read some of the comments that we got and some were very strongly opposed to it for a variety of reasons. And some were strongly in favor of it. And - you know, and I talked to a number of people. People would call me and share their views about things and stuff, as they did to the whole committee, and that's just sort of an intuitive feel about where we are right now. No, we did not have a scientific poll to determine.

ROB CRAIN: And I would offer the Dallas Bar Association just went through a very sensitive debate on a sensitive topic similar to this one, and what happened in the progression was that the initial public opinion without discussion was opposed - the majority opposed moving forward on a sensitive issue like this one - yet when they were educated and full discussion had taken place, it was 90 percent in favor. And so I don't necessarily - I mean, I think it's important on initial reactions, but we need to be thinking, and I think you may be right here, at the board level of what we need to be doing with our membership and educating them as to the importance of this issue in their practice as well as in our profession as a whole. But I'd just like it noted that my personal opinion is that issue of mandatory needs to be thoroughly debated and should be debated now.

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CHARLIE GINN: Rob, I'm going to - I'm going to go to some of the other folks. If you have some more comments, they're good and we want to hear them, but I'm going to let some of the other directors speak, if that's OK with you.

ROB CRAIN: I'm done. And thank you, Director Boyce. Thank you, Mr. Chair.

CHARLIE GINN: Jason Smith.

JASON SMITH: Thank you, Mr. Chair. I echo a lot of the same sentiments of Director Crain. Back last July, we heard from dozens of members of the Texas Bar who indicated that bias was a problem in the practice of law. And we were asked by many members to consider implicit bias - well, they recommended that we adopt implicit bias training, not the least of which was Gary Bledsoe with the NAACP. And I think we owe it to our membership to have a full debate. I appreciate the work of the committee. I do know that the Dallas Bar Association - really, the Dallas Bar and the Dallas judges - have dealt with the issue of implicit bias in jury instructions, and that's bubbled up to the state bar jury committee. I think it's an issue that is right to be addressed. I think probably the best way to deal with it would be, as I understand it, there would be a - because this is a report from a committee, there would be a vote on whether to accept the report or amend the report or reject the report. And I want to recall there were a couple of other suggestions at the last meeting - Director Cavillo talked about the possibility of requiring implicit and explicit bias training once every three years or once every five years, and I was intrigued by that, or maybe we do a pilot program where, for the next three years, folks are required to take it and we see what comes from that. But I think it would probably be in our interest so we can have a full discussion, and not just have it today would be to table until the next meeting. And I'm not making that motion now because I don't want to end the discussion, but I would suggest that we either table action on the committee report or we move to the next meeting where we can have a full discussion. We asked the committee to look at this and they've done that, and I appreciate their hard work. And now I think Director Crain's right. I think we need to have a full discussion. And that discussion may mean we don't move forward with requiring it, but I think that there's value to our membership seeing that we deal with these issues.

CHARLIE GINN: I'm going to get confirmation on this. In fact, my understanding is I'm going to get confirmation today that there could be a motion to accept or reject, but not to necessarily amend, right? So - accept the finding. So I'll confirm that in just a few moments. That's my understanding.

JASON SMITH: And can we table to the next meeting?

CHARLIE GINN: Potentially. I'll find out and I'll get you an answer on that in just a second. While I'm looking into that, Director Wilson?

KIMBERLY WILSON: Thank you, Chairman Ginn. I wanted to comment to agree with what Director Crain and Director Smith have said with regard to this issue. I recognize from the committee's standpoint, and I appreciate their work as well, that this could be - could be an issue that - and maybe what you heard was from other members of the bar that didn't really know exactly how this was going to come out. So when I read the definition of legal professional responsibility as it relates to this bias, and I know we can all read, but it just says, include programs that address the recognition of bias that can impair an attorney's ability to provide competent legal services. And I would posit that there shouldn't be one of us who practices law that could disagree that bias can impair our ability to provide competent legal services or to do anything in the law. And bias doesn't have to mean something negative or racial or

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controversial. I have bias every day that I recognize that I have to be sure to check against. And it's not necessarily some sort of controversial bias. We have bias against people who wear particular colors. We have bias against or for people who are a certain height. There's lots of data about that. So I would suggest that we continue to look at this issue and making it mandatory. And I do agree with requiring mandatory ethics legal professional responsibility training on this issue because I think it is big and I think it is important, and I would like some clarification, Chair Ginn, with regard to what this means for us. If we accept the report of the committee, does that cut off our ability to change the action item to make it mandatory?

CHARLIE GINN: Let me - yeah, I'm sorry, Kim. I interrupted you. I'm so sorry.

KIMBERLY WILSON: Thank you, no. I'm done. That's really my question now at this point.

CHARLIE GINN: Let me address that. What I think can be done today - and I'm not saying we have to do this, but what probably we need to do based on what I'm hearing - I know I still have got one, two, three, four, five, six more directors to hear from, but - so far, but the motion is on - someone could make a motion to accept this, someone could make a motion to reject it, or that could be a motion to table it for the June meeting and refer it to the administration committee to work on this and to review this, probably in connection with the MCLE committee so that then action could potentially be taken in June, right? So let me just make sure I've said that correctly. You could vote - we can vote to accept it as it is, we can vote to reject it or we can vote to table it - right? - don't take any action today, get it to the administration committee, which is probably the appropriate committee to handle it for us, for review, along with work that the MCLE committee has already done, right? So Kim, does that answer your question?

KIMBERLY WILSON: So just to clarify, and I apologize because as a first year director I think I don't understand sometimes and I want to be very clear. If it goes to the administration committee and say we want the action to - some of us want the action item to be that we would ask that this be mandatory every year or whatever, does the administration committee - do we need to contact the administration committee to make that request?

CHARLIE GINN: The bar can refer - the board to refer this to the admin committee, but there's actually - we can also do this, too - part of this is about creating where, if you do get implicit bias training right now, this would make it to where you would receive credit for ethics - right? - on June 1st.

KIMBERLY WILSON: Which we want, right?

CHARLIE GINN: Absolutely. And (unintelligible) TLAP as well that has some provisions in there as well. I think that you could also vote this in today - right? - take action today and still refer it to the admin committee. The board could still refer it to the admin committee to discuss mandatory versus non-mandatory going forward. And that might be the most appropriate avenue based on what I'm hearing. But I'm not - you know, again, that's just a motion that could be made. I hope that gives more clarification, Kim.

JOHN BOYCE: May I offer a suggestion?

CHARLIE GINN: Sure.

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JOHN BOYCE: My suggestion - whatever the board decides, mandatory or voluntary, we're still going to have to work with the CLE committee and the communications committee to devise sort of the contours of what these courses look like. So if you accept our report today, we can still begin some of the initial work that's going to have to be done anyway, and it doesn't mean you can't change our report down the line. So I'm just - I guess I'm trying to say, we can commit some work on some of this right now.

CHARLIE GINN: All right. Thank you, Mr. Boyce. Let's go to our next hand, Director Steve Fischer.

STEVE FISCHER: OK, just in my experience when I was a district attorney in the 80s, defense attorneys would automatically exclude - this was in the valley where it's all mostly Hispanic - every white prospective juror and they said an all-Hispanic jury won't convict, which was ridiculous. They did almost every time. But on this on a specific issue, I'm going to answer that person's - that gentleman's question about what the objection might be. But first, there's been a problem with these classes because they don't get - they're having trouble getting credit. So a three hour class might get one credit. I know the Houston Municipal Justice Association was having trouble with that. So we want the bar to give - if they take that class and they take a three hour class - there should be a limit - but they should get three hours credit, OK? Next, what the objection is going to be from a lot of people is that the bar - people who don't like the bar, which probably is a majority of our lawyers, are going to say more rules, more regulations, more things that we have to do, and regardless of this, ever since I got involved in 2010, that was one thing that I would always say. I want the bar to do more for us rather than to us. But there's a solution to that because I think that training is necessary. If we just say mandatory, we're going to get that. It's another rule. It's a liberal bar, whatever. I think it should be mandatory with the condition that we drop the number of hours from 15 to 14 that we're required to do because if we're going to give somebody the stick, let's give them the carrot, too, and say, OK, we're making you take this but from now on, you'll only need 14 hours or something like that so we can say, you know, we're not just piling things on you. Take this and you're going to get an extra benefit that you only need 14 hours this year. That's sort of how I would do it. And I hope I answered that question specifically, since others didn't.

STEVE FISCHER: OK, thanks, Director Fischer. Let's go to the next hand, that's Director Schramek.

ADAM SCHRAMEK: Actually, I've spoken a lot with Director Calvillo about this. I'd like to go after him.

CHARLIE GINN: You got it. Let's go ahead and go to Director Tolchin, and then Director Calvillo, you're next.

ANDREW TOLCHIN: Hi, I served on that committee along with David Surgiez, our board representatives. And with respect to John Boyce, who ran the committee in a phenomenal fashion hearing all sides, I have a slightly different recollection of what we looked at. I don't recall us saying we have a general feel that we're not ready for it. It's not like "Back To The Future" where they say you don't like this, but your kids are going to love it, you're just not ready for it. What I remember is that we had an evaluation looking, in writing, studying each and every state that had a mandatory bar and also looking at some of the bars where you're not required to be a member. And we could not find a state where the bar is mandatory, where you must be a member, where this was required. And at least, from where I sat, my general thinking, whether I want it to be different or not - the problem is that ultimately it could end up in some kind of lawsuit. And I don't know that that lawsuit would turn out very favorably for the bar in terms of PR, and I don't know if that lawsuit would turn out very favorably for the bar in terms of actually winning, OK? It probably might become something more like what we're currently involved with

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in the courts, OK? So in general, we looked at everything and we said, what is the most that we can do where it's not going to become some kind of a question in the courts? How can we move the ball forward and then reflect and see how far did we get? From where I saw it, we could study everything from implicit bias to confirmation bias and so on - different kinds of biases that could limit someone's ability to practice as effectively as possible, as zealously as possible for their clients - while simultaneously advance moving the ball forward toward giving people more information that can be qualified to receive your credits. So I just wanted to characterize or recharacterize something that John said to let everyone know what I recall was a much more - a much more rigorous study and not just some kind of a sense of that. And I'll leave it at that. Thank you.

CHARLIE GINN: Thank you, Director Tolchin. Our next speaker is Director David Calvillo, and then Director Schramek, we'll come back to you after that.

DAVID CALVILLO: Thank you, Mr Chair. Real change, enduring change, happens one step at a time. And I think there's a lot of wisdom in that statement from the late Justice Ruth Bader Ginsburg. Real change, enduring change, happens one step at a time. I think one of the advantages and one of the obligations that we have in serving in this capacity - serving our profession in this platform - is to reconcile the different - is to receive an (inaudible) the different forces that are at work in a profession. For example, the legislature has pending before it House Bill 2714 that is attempting to require all judges and lawyers to have some sort of implicit bias training. That hasn't run its course, and as those of us that worked in legislature before know that nobody is safe when legislature is in session, right? And they are still in session. So I think we should allow that to run its course. Another example is I happen to serve as the liaison to the Court Rules Committee and the good work the chair, Judge Dan Hendee and his committee is doing. They have some proposed changes to these (unintelligible) - to Texas rule of civil procedure 226(a), and there's an implicit bias instruction that's there. I think that's important because, you know, those of us that actually look at those jury instructions - we need to be well informed in order - as to what that means and what the contours of that mean in the practice of law. And as we're presenting cases to a jury, I think it'd be unfair for us to make a decision prematurely without allowing our colleagues in the trial bar to consider that instruction in light of the opportunity to have training. So I guess I would echo Dr. Crain in saying that we need to have more debate. We need to make sure that we fully explore not only the thoughts of the folks on this committee, but let's let all the different forces at work within our profession sort of coalesce and then we can make the decision. So I think there's some wisdom to allowing this process to percolate and stew, at least until our next meeting.

CHARLIE GINN: Thank you, Director Calvillo. Director Schramek, the floor is yours.

ADAM SCHRAMEK: Great. I wanted to give Director Calvillo the chance to give that fantastic Justice Ginsburg quote that he quoted to me and I didn't want to steal his thunder. So thank you for letting me go after him. But I'm a strong believer in change is iterative and one step at a time, and the idea that today we can make it such that this training becomes countable immediately for the folks who are taking it, I think, is the right move to do. And I agree with Chair Ginn that we then in June can take up the issue separate and apart as to whether or not it should be mandatory. Now, having said that, I am a little worried about the way it's currently drafted with the concept - and we heard earlier - of just the reference to discrimination without any context around it, right? And we had this exact same debate at the policy committee level because in the code of conduct, are we just going to use the word discrimination? Or are we going to explain what type of discrimination? Now, if Joe Longly were here, I'd remind him about our class action we had about unfair rate discrimination. And that gets to the point of, you know, in insurance, you can discriminate based on various characteristics that are actuarially sound.

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What is your driving record? How many miles do you drive a year? Things like that. It's unfair discrimination that you can't commit, and here what we're really talking about is discrimination that includes discrimination that's a violation of federal, state or local law, and to the extent those laws don't go far enough, we should spell it out, you know, including - and we did that. And if you look at the code of conduct that we're proposing at Section D, I think we should have the language mirror the discriminatory language of the code of conduct as to the type of discrimination training we're going to have that would be countable. Now, again, I think I go back to my first point is if we pass this immediately unfair discriminate - unconscious bias training becomes countable. That doesn't mean we can't change it in June. It doesn't mean we can't immediately go back and decide we're going to change it at our next meeting, right? Our decision is only effective until our next board meeting. So I would support implementing it now just so we get something in there and it counts. But then in June, I think we should have some mechanism to where we reconsider the language and we consider the issue of mandatory, and on top of that, if I haven't had enough I hear requests, I'd like a legal opinion from our general counsel for an executive session discussion about what are the risks if this were mandatory. I don't want to step into a lawsuit out of ignorance.

CHARLIE GINN: Thank you, Director Schramek. I appreciate it. Director Sergi.

DAVID SERGI: I would have only echoed what Director Tolchin and Director Schramek just said. I mean, the 800 pound gorilla in the room is what is the 5th Circuit going to do in Sorrells and what guidance is that going to give us? And I think that is where we need to get the sage counsel of our counsel. And I frankly think we need to wait to see what happens with that decision because I think it's going to monumentally affect us and to step into something that could later be used...

CHARLIE GINN: Excuse me, I'm not trying to cut you off. I don't want us to get into the trap of discussing litigation in the open session. I'm sorry to cut you - I don't disagree with what you're saying at all, but I just want us to be careful on that. Please finish your thoughts. I just...

DAVID SERGI: That was basically it. That we're going to have to see what happens.

CHARLIE GINN: Thank you, David. Director Scott. Mary, you with us?

MARY SCOTT: Yes, sorry.

CHARLIE GINN: You bet.

MARY SCOTT: Thank you. My question may be along the lines of what Director Schramek had to say, but I'm not sure I know when we say - use terminology like recognition of bias, what all that encompasses? Do you expect that that would include, like, diversity and inclusion training? Or do you anticipate that that is something that would be separate and apart? And I'm just trying to get terminology down here before I - so I understand what the language change is proposing.

JOHN BOYCE: Well, Director Scott, as I say, we wordsmithed this for two hours at least going over all these words. These terms are - bias, like the earlier director said, is a very broad - Miss Wilson, I think - is a very broad term. It means lots of different things. And we didn't think that it was appropriate to get into such deep specificity in the definitional part of the standards. We felt that that would be better worked out with the CLE committee and the communications committee on exactly how that would roll out. You know, we talked about, well, whatever we do in our committee is going to come back to haunt

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us because whatever we recommend, the CLE committee will try to put together and sponsors will try to seek accreditation and then they'll have to come back to us to accredit it. So whatever we do, we're going to have to deal with it down the line. And so we felt, though, that we would probably, in working with the CLE committee, we might even take the advice of people in this field and some of the courses that have been used in other states. And we didn't want to preclude those options by having a more specific definition of bias because then you have a specific definition. And somebody says, well, that's too narrow. Why didn't you include this? So it's kind of a balance, if that makes any sense, on how we approach this. I don't know if that answers your question. (Unintelligible).

MARY SCOTT: Can I say something else?

CHARLIE GINN: Yes.

MARY SCOTT: OK. I do appreciate how difficult it is to try and wrap your arms around language when you're dealing with these kinds of subject matters. I think that's probably one of the most difficult things to do. My concern sort of stems from, I guess, perhaps some of the discussion because we keep referring to implicit bias training, and it's my hope, and I think our constituents' desire, that we have something much broader than implicit bias training contemplated by these changes. So that's what I'm trying to focus on, is just if it's a very narrow implicit bias training or if you anticipate it could be larger than that.

JOHN BOYCE: Well, I guess it could be larger. The term bias, psychologically, is a very broad term, as we all understand. So we just took what you instructed us to do, and that was - what is it? - it was - your resolution was in July to study and consider whether...

CHARLIE GINN: John, I don't want - I don't want - I don't want to make it too much of a debate on the definitions and legal opinions or anything else. I'm sorry to cut you down. I just want to try to keep us focused on the issue. Sorry. Sorry for that.

JOHN BOYCE: We did what we thought you asked us to do. That's the bottom line. That's the bottom line.

CHARLIE GINN: Mary, is that - do you have anything else you want to say?

MARY SCOTT: No.

CHARLIE GINN: OK. All right.

MARY SCOTT: Thank you.

CHARLIE GINN: You bet. Absolutely. Director Naylor.

STEVE NAYLOR: Thank you, Mr. Chair. Mine more goes to the purpose of this. I would echo what Director Tolchin and Schramek said, and then what the chair just said - we did what you asked us to do. We gave this job to a committee. We asked them to do it. And some people are not satisfied with their answer, or at least don't agree with their answer - as Director Tolchin said, they did look at this. They considered this. It wasn't just like, well, somebody called us and said we were against it, so we're going to ignore it. They did their job. If we are not going to utilize - and I don't think we should just blindly

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accept any committee's report, but if we are not going to utilize their work and believe in what they did, then we need to do away with all committees and have every single discussion board wise completely with the entire board. And we know that's not going to work because too many cooks spoil the soup. But to criticize what they did when they did what we told them to do. And I guess I think part of this because of all the criticism that came back to the DCAAP committee. I can't change what their information they got and they can't change the information they got. But if we want to table it and have an entire vote, then we should. But then let's bring everything into the pile. And that board meeting will last as long as our two specially called board meetings. That's all I have.

JOHN BOYCE: I want to say, reiterate, may I say how hard we work as a committee?

STEVE NAYLOR: I believe you.

JOHN BOYCE: We considered a lot of different things and there are people on this committee that might be, you might say, traditional victims of implicit bias, and they felt the same way. So I don't want you all to think that we haven't worked hard or discount our work. We thought about all these issues as best we could, and some very nuanced thinking went into this. So I'm just standing up for my committee and what you've asked us to do that's all. We've got a good committee.

CHARLIE GINN: OK, Director Smith, you're next. Since you've spoken, I try to get to everybody that hadn't spoken first, and so let me get to president-elect Sylvia Borunda Firth and then I'll swing back around, OK? So...

SYLVIA BORUNDA FIRTH: Thank you. Thank you, Chairman Ginn. And again, I don't - I'm a little - I don't want the committee people to be discouraged or feel like the board is being critical of them. But I don't think anybody ever expects their committee work to just be rubber-stamped by the board. And I think that it is healthy for us to have this kind of discussion, especially on something that we know is of such importance to the membership. And, you know, so what if we have another meeting that lasts as long as the special meeting? That's why we're all here. But I don't want us to lose the work that's been done. And I and partly why I said I was in support of this is because I want to see us make the incremental step towards giving - formally, because we know it's already happening. We know that the committee is giving credit, but to formally acknowledge that we are going to give credit for this kind of training and hopefully as soon as June 1. And as I pointed out by my question at the beginning, there's still work to be done. And as Mr. Boyce has said, let's get started on that work and then let's come back and revisit the issue about whether or not it is mandatory or not. I think that you're going to find that the task force is going to give you the avenue for revisiting this issue. The diversity, equity and inclusion task force is very invested in this issue. And remember that they're going to report in June. So that will give us an avenue to start that discussion. But I would like to make a motion that we accept the report as presented, but reserving the possibility...

JASON SMITH: I'm in a big part of this meeting

SYLVIA BORUNDA FIRTH: Discussing the

CHARLIE GINN: Jason, mute yourself. Thanks, man. I'm sorry, Sylvia.

SYLVIA BORUNDA FIRTH: I'm sorry. So accepting the report as presented and reserving the question about whether or not to make this type of training mandatory for a future meeting. And take it that way

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so we don't lose the work. And Mr. Boyce, we do appreciate all the work that has been done. And want the committee to know that.

ROB CRAIN: I'd like to second that.

UNIDENTIFIED BOARD MEMBER: Second. (laughter).

CHARLIE GINN: Hold on just one second, everybody. So, Sylvia, just a point of clarification, you're asking not to accept the recommendation, but to approve the recommendation, correct?

SYLVIA BORUNDA FIRTH: Well, yes, I want to approve the recommendation that the - I want us to be able to move - whatever is the avenue that gives us the ability to move forward with granting credit.

CHARLIE GINN: Great. I just - approve, I think, was that a necessary word? And then, Director Crain, did I see that you had a second?

ROB CRAIN: Yes, I second that motion.

CHARLIE GINN: OK. Before we vote, Director Forbes, I know your hand is up. I know that Director Smith's hand is up, but I know the Director Calvillo's hand is up. So, Director Forbes.

LUCY FORBES: Thank you, Chair. I want to echo what our president-elect Firth said. I think we ought to have a motion to accept or approve. And I want to thank Mr. Boyce and his committee for all of the hard work they put into this. I like the broad definition of bias. I like that it will be effective June 2021 - which, by the way, the memo on the bottom has the wrong date. It says 2010 so that might need to be revised. I think it's good to give our colleagues incentive to try DCLEs to include them in our big CLE programs, and the state bar has the best CLE programs. Make the programming relevant to the practice area, and allow our colleagues to get accustomed to the various types of programming and for our CLE and administration

LUCY FORBES: departments to work out the details. So that's all I have to say. So thank you. Thank you to the MCLE committee and to everyone's comments today. Thank you.

CHARLIE GINN: Thank you, Director Forbes. I think Director Smith and then Director Calvillo. So Director Smith the floor is yours.

JASON SMITH: Is there a motion on the floor now?

CHARLIE GINN: There is, yes.

JASON SMITH: I would ask a friendly amendment to the motion, ask them to accept that we approve the recommendations and we refer the question of whether implicit bias training should be mandatory CLE to the administration committee and for consideration in the June meeting. What I don't want to - I'm all for embracing the work that we, of having that CLE available, but I don't want this to get swept under the rug. And so if we - I would like there to be a clear path for it to be considered in the future so we can debate it.

SYLVIA BORUNDA FIRTH: I'll accept that amendment.

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JASON SMITH: Thank you.

CHARLIE GINN: Mr. Crain, do you still maintain your second with the amendment?

ROB CRAIN: I maintain my second and do just want to reiterate my thanks for the hard work of the committee.

CHARLIE GINN: All right. And then Director Calvillo, I think you're our last speaker before we take this vote.

DAVID CALVILLO: Yes. Thank you. Thank you, Mr. Chairman. Yes. I want to just make it clear that that I've had the pleasure of working with John Boyce over the years in the arbitration setting, in the professional neutral setting, and he has devoted countless hours to the profession, unpaid as a volunteer to doing a great service for our profession and in particular for those that are professional neutrals. So, John, thank you very much for your hard work. I would agree with the president-elect that if the diversity committee seems to be accepting, seems to be working in that direction, that we should wait to see what the report is going to look like. So that's how I feel.

CHARLIE GINN: All right. There's a motion on the table. And Sylvia, correct me where I get this wrong, but my understanding of the motion is that we are approving the report recommends - excuse me, approving the recommendation of the MCLE committee with the friendly amendment that the board then refer this to the administration committee for a potential June action item at the next board meeting.

SYLVIA BORUNDA FIRTH: That's correct.

CHARLIE GINN: All right. Thank goodness. So with that, all those in favor, please respond by saying aye.

UNIDENTIFIED BOARD MEMBERS: Aye.

LUCY FORBES: Chairman Ginn, I have a question. What are we - what is the wording of what we're referring to the administration committee? I just want to be sure I understand that.

CHARLIE GINN: I want to be sure I understand it, too, Lucy. Let me see if I can get right again. The - we are referring the - we are accepting - we are approving - my goodness, we are approving the recommendation from the MCLE (laughter) - this is not a funny topic. I just can't speak this morning. I am so sorry. I'm not ready for trials to start back up, Rob, it's going to be a problem. We are approving the recommendation from the MCLE committee. But the amendment that we are going to refer the issue of mandatory implicit bias training as CLE requirements for the bar to the administration committee to bring a potential action item to the board meeting in June.

LUCY FORBES: Thank you.

CHARLIE GINN: You bet. So with that said, are there any opposed? Hearing none, the motion passes, I'm not going to repeat it, I am not trying to make light of the issue at all. I just couldn't speak. So I apologize for that. I was not trying to make light of this very serious issue that we do need to devote a lot of time and attention to. Before we take a lunch break, we're going to hear from item number 15, the

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commission for lawyer discipline and chief disciplinary counsel, Gena Bunn and Seana Willing. And I think it's Gena this morning. Gena, are you with us?

GENA BUNN: I am, Chairman Ginn. Thank you. I'm Gena Bunn from Long View. I am the chair of the commission for lawyer discipline and thank you, directors, for the opportunity to present our update for this fiscal year today to 2021. And we're talking about the period of time from June 1, 2020, to February 28, 2021. During that period of time, 320 complaints have been resolved through 252 sanctions. Those include 11 disbarments, nine resignations in lieu of discipline, 78 suspensions, 26 public reprimands, 75 private reprimands and 53 grievance referral program cases. Also during that period of time \$228,429 in attorneys' fees revenue has been collected. That is through February 28, 2021. I'd also like to take this opportunity to remind all of you about your role in the grievance committee appointment process. June 1 is the deadline for appointments to be made by President Larry McDougal. The director's nominations need to be received by the CDC for background check by May 1st in order to meet that June 1st deadline. And please keep in mind, as you consider potential candidates, that the top areas of practice that are needed on these committees and panels include criminal law practice, family law, personal injury and immigration. Other considerations that you need to keep in mind are gender, ethnicity and race and also law firm size. And also, please work to coordinate your appointments, nominations through your CDC regional counsel. And also, don't forget that board members are also responsible for nominating local committee members when vacancies occur. So as you approach these folks that you are thinking about nominating, please make it a point to communicate to these people the time commitment that is required in these roles. So - and again, President McDougal is the one who makes the final appointments in these cases. And that concludes my report.

CHARLIE GINN: Thanks, Gena. I would echo - you know, don't wait. I make this mistake every year. I've made it this year. Attorneys want to serve on these committees. It's a great way to get people involved. Do not wait to find those folks and local folks too. I'll commit to do better, but we all need to be working on that and doing that. With that said, it is 12:30. Why don't we take a 20-minute lunch break? We'll be back at 12:50 on the nose. I'll be on time this next go round. So we'll take a break. Meeting is in recess. All right. It is 12:50 on my watch. We're going to go and reconvene our meeting here. We're going to start with item number 16A from the administration committee. Director James Wester, you've got the floor if you're with us. James, are you back from your lunch break?

JAMES WESTER: I am back. Thank you. Yes, I wasn't going to have much of a report for the administration committee, but I think I do have one now, that we may supplant everyone else as the hardest working committee if we're going to try to get done in two months what the MCLE committee, I think, was doing in over a period of about six months. So hopefully, we'll have a good report in June. And Director Goldsberry is not here, so Mr. Chair, you want me to go ahead and get that report for her?

CHARLIE GINN: Yes, sir, please.

JAMES WESTER: OK, the Performance Measures and Strategic Planning Committee - if you'll remember, we approved the strategic plan at the January meeting. And so now the committee - subcommittees working on the performance measures should have something ready to submit to the board in June. And that completes my report.

CHARLIE GINN: Thank you very much. Any questions from any of the directors? Hearing none, seeing none, we'll move on to number 17, the Member Services and Education Committee. Director Andy Almanzan.

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ANDRES ALMANZAN: Hello, everyone, and congratulations to Santos and as well as the other candidates for the chair. We don't have anything to report for this meeting, but we do have an upcoming appeal that will be considering on a TBLS matter, and we'll report on that in June.

CHARLIE GINN: Thanks very much, Andy. Director Brooker, are you with us? Rebekah may not be back yet. We'll swing back around and talk to her in just a few minutes. On the news director's orientation subcommittee, Deborah Cordova. Director Cordova, are you with us?

DEBORAH CORDOVA: I am. Thank you, Mr. Chairman. The new director's orientation subcommittee held a Zoom meeting on April 13th. And we have six members on this subcommittee. It's Jeff Allison, Derek Cook, Lydia Mount, Santos Vargas, Amy Welborn, Kim Wilson and myself. We discussed the plan for an in-person orientation for the new board members on June 16th from 9 a.m. to noon. This would be in conjunction with the incoming and outgoing board members. There will be a total of 23 new directors, and this also includes our section reps and liaisons. So we hope to introduce the new directors in June to you all in person, and I'd like to conclude with thanking Caitlin and Jennifer for facilitating our meeting and helping us get organized. Thank you to Chielsey. We're going to miss you. Congratulations, Santos. And that concludes my report, Mr. Chairman.

CHARLIE GINN: Thank you, Deborah. Director Roe with our Insurance Member Benefit Subcommittee.

DEBORAH CORDOVA: Good afternoon. So on the Insurance Member Benefits Subcommittee update, the Texas Private Insurance Exchange, first - while we regularly report on the steady growth of the exchange, that isn't the only way we monitor it. Every year, a customer satisfaction survey is conducted. The survey is in process now, and I will report the findings of the next board meeting. So if you see that survey, please take time to fill it out. While you might have thought the 2021 health insurance open enrollment period ended on December 15th, a special enrollment period began on February 15th and has been extended to August 15th. While this wasn't anticipated, to have much impact on our members, it's still something that you should be aware of. The expansion of subsidies to people at every income level, including those with incomes above 400% of the federal poverty line, is increasing calls and website traffic to our exchange. There's - these are new updates that you wouldn't expect, and that we didn't expect, but they're there. So please go to those websites if you think there might be any interest there and send other people there who may be able to take advantage of those. On the subcommittee projects, as I mentioned in the past, we split the subcommittee into three groups to focus on some hot topics. Those include solo insurance, marketing of the insurance program and to enhance awareness of the overall benefits program. On the solo insurance as an update, our hands are tied on what we can do to help solo's obtain health insurance plans until the Texas department of insurance modifies their definition of who is eligible for group plans. We are aware of bills being considered by the legislature at this time that could change this. Our insurance program administration members benefits is keeping an eye on all of these and I will provide updates as we receive them. On the benefit program marketing and enhancement awareness, due to the success of our postcard that went to just solos in October, which increased visits to our benefit site by 56%, we have decided to expand that to do a postcard to all members this May. I will preview an example of the postcard here at - we're still making a few changes to streamline it and make it amazing for all of our members and we're hoping that it will increase our benefits site even more as it goes out to all of our board. Excuse me, all of our bar. As of February, revenue generated by the program totaled 741,259. It is anticipated that all revenue projections for the program will be met. A review of the member benefits program compared to all other large state bars conducted - concluded, excuse me, that we still have the most expansive program in the nation.

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However, we did learn that we need to expand some of our lifestyle offers, so staff is researching that at this time. I want to make sure you are all aware of some new offers, as well. We replaced the partnership with 24 Hour Fitness with a company called Global Fit. Global Fit will offer members discounts to numerous gyms, nutrition plans and virtual training. Lastly, we also added entertainment discounts that will provide members with 10 to 20% off theme parks, water parks and movies. As travel increases over the next couple of months, we also have a lot of member benefits in that area as well, so please check it out on our website. Thank you to Cory Squires, who handles everything for us, and, of course, my amazing committee. That is all I have. Thank you, Chair.

CHARLIE GINN: Thank you, Carmen, for the work you and your committee are doing. Director Brooker, are you with us?

STEVE NAYLOR: Charlie?

CHARLIE GINN: Yes, sir.

STEVE NAYLOR: Hedy Bower's just sent me the talking points and asked if I would give this report if she was not back in.

CHARLIE GINN: For Rebecca?

STEVE NAYLOR: Yes, for Rebecca, but if she's here, I would much prefer her do it since I wasn't prepared.

CHARLIE GINN: That's all right. We'll turn it over to you, Steve.

STEVE NAYLOR: Get my video going, I apologize. The PDP subcommittee will meet jointly with the CLE committee on May 7 via Zoom. The group will discuss topics for CLE and publications and hear reports from staff on finances and operations. The Texas Bar CLE has converted all live seminars to a webcast format through June 30. This past year, we were concerned about the pandemic separate on CLE attendance, but we navigated it extremely successfully through virtual programming. We maintain decent attendance rates across the board and avoided substantial hotel penalties. This upcoming year, we may prove to be the most challenging financially as we resume in-person CLE events in July. We are discussing with hotels about how to stage events incorporating CDC safety guidelines, including masks, social distancing and enhanced cleaning protocols. The first quarter of the fiscal year includes our biggest and most well-attended advanced courses - personal injury, civil trial, real estate, criminal and family law - reducing registrant capacity to allow for more spacing between registrants may have a financial impact, but we are excited to be moving in the right direction. For people who do not feel comfortable attending the CLE events in person, we will also offer the webcast replays of the programs. The steering committee for this year's Texas minority counsel program was formed last month. Over 80 attorneys applied to serve on the committee. The first meeting was held on March 23. They brainstormed CLE topics, speakers and members volunteered to serve on subcommittees for the various conference events. 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. For those attorneys who have not elected to receive the new additions automatically, the Texas pattern jury charge will be available for purchase on texasbarpractice.com. The new texasbarpractice.com website has averaged approximately 400 unique users and 1100 page views per day. Since the launch of the new website, Texas Bar books has seen an increase in subscribers to the Texas Bar books online manuals with a 15% increase in subscription revenue this quarter. The state bar is committed to helping Texas lawyers

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during this pandemic. In addition to the \$5,000,000 worth of free online classes Trey mentioned in his report, Texas Bar CLE has provided \$594,000 in free CLE to legal aid lawyers and another \$148,000 in scholarships since June 1, 2020. In order to offset the cost of CLE for lawyers who may need financial assistance, Texas Bar CLE offers full and partial scholarships for all of our programs. The application process is easy, fast and confidential. Scholarships are also available to the - for Texas Bar books online publications, the diversity in the profession committee's bar prep support also awards scholarships to help defray expenses for law students studying for the bar exam. So please spread the word about CLE. That's all I have.

CHARLIE GINN: Thank you, Steve, and thank you to the committee for the great work you guys are doing, so now we're going to go to item number 18, my friend, Director Emily Miller for the section representatives to the board committee. Director Miller.

EMILY MILLER: Thank you, Chairman Ginn. The sections department is currently working with each section to provide their CLE programming for the virtual annual meeting in June and is also working with the sections regarding how they want to handle their annual meetings since the virtual annual meeting will be composed solely of prerecorded CLE. We are currently advising sections on the path to return to live meetings for those who want to have live council meetings and CLE. Most of these will not occur until very late in the summer or fall and will, of course, include safety protocols. We are working with the sections on their safe path back to live meetings and programming. And thank you very much to Tracy Knuckles and her staff for their exemplary response and forethought for the past year plus. The sections continue to provide excellent programming and services to their individual members, both online and through their resource materials, and are providing quick action during the pandemic. Thank you to the section leadership and our section members for their understanding and continuing their member services however possible. And Mr. Chairman, this concludes the report of the section representatives to the board committee.

CHARLIE GINN: Don't go far because you're next again. But do we have any questions for the section representative report? No? Great. Well, wonderful report, Emily. You did such a great job. You just stay on and walk us through the legislative committee update.

EMILY MILLER: Well, thank you again, Chairman Ginn. We have six state bar sections - business law, entertainment and sports law, family law, juvenile law, LGBT law and real estate, probate and trust law or REPTL - who have legislation included in the state bar's 2021 legislative package. The juvenile law section decided not to file their bill, but we look forward to their return next session. There are 45 days, approximately, remaining in the current legislative session and more than 7,000 total bills were filed, and bill filing has been closed. The staff continues to monitor all legislation for its impact on the bar and the profession. And thank you to the two-woman governmental relations powerhouse of Kristina McGuire and KaLyn Laney for their continued expert service to the profession and the public. And, of course, Lowell Brown for his thorough and efficient communications regarding what is going on this session. The state bar legislative program previously voted - was previously voted on by the board of directors. As mentioned, six state bar sections brought forth their legislative proposals, and most are progressing in a timely manner through the legislative process. The state bar legislative program has been outlined in a chart that's available on the state bar website at www.texasbar.com/legislativeprogram. The Friday update is a free weekly e-newsletter that provides summaries of legislation potentially affecting the legal profession and links to relevant bills. All board members should be receiving their Friday update. If you are not, please check your spam filter. Mine came through at 5:06 this morning. It's an invaluable resource, complete with hyperlinks of legislation

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and committee video links. And it's the first thing I read every Friday. To subscribe, please go to the state bar website www.texasbar.com/fridayupdate. Or you may find the link on the state bar homepage. Thank you to everyone for your interest in your diligence and following the state bar legislative program and your input as we proceed through the session. There is a method of consideration for bills mid-session. I and the entire legislative committee welcome your input, so please feel free to contact me or the governmental relations division as the session concludes. Mr. Chairman, this concludes the report of the legislative policy subcommittee.

CHARLIE GINN: Thank you, Director Miller. Is there any questions or comments, for Director Miller? Hearing none, seeing none, I don't think we have an action item today. Thank you for your report, Emily. For those of you that have not heard yet, this is a legislative year. Emily's committee has been working extremely hard. They have just done a wonderful job. And that starts here with the bar staff. KaLyn and Kristina have just been incredible. We talk all the time about the state bar staff, and I don't think we can say it enough, truly. They are just magnificent people. They're magnificent workers. I don't know anybody that works harder than they do. So thank you, Emily, and thank you to your committee for leading us through this year. Our next report is with Director Roe, our justice in leadership committee work group. You'll remember this is one of the work groups that we created this past fall. Director Roe, are you with us?

CARMEN ROE: Yes. Thank you, Chairman Ginn. The justice and leadership work group has met several times since its creation by the board of directors. After reviewing the public and member comments from our 2020 special called meetings, the group was named and set out to analyze four goals to affect change in the board and in the bar. Subcommittees of the group have been working through these goals with an eye on bringing recommendations before the board at its June meeting. These goals, to effect change being considered by the work group, 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 nomination committee regarding presidential candidates, reviewing the state bar office of minority affairs office programs and goals. I would like to take a moment to congratulate our incoming chair, Santos Vargas, excuse me, and to thank the Santos and Candice Walters, who have led subcommittees on this group and done a tremendous job moving us forward. So thank you for the opportunity to work on this important venture and to ensure all public and member voices are heard on this matter. That's all I have.

CHARLIE GINN: Thank you, Carmen, for the work that you and your committee are doing and for taking the extra mile and doing such great service and leadership for this year. With that, we're coming to one of my favorite people in the world, the madam president of the Texas Young Lawyers Association, Britney Harrison. Miss Harrison, please tell us the great work that TYLA is doing. This is the fun part.

BRITNEY HARRISON: Thank you, Chairman Ginn. First, we just had our national trial competition last week. It was the 46 annual and the first time it had to be completely virtual. We conducted the competition with the American College of Trial Lawyers and 300 teams competed in 15 different regionals to bring 30 teams to nationals. And on April 10, the advocates from UCLA won the competition and the runner-up for the advocates were Wake Forest. I'm extremely proud of all the hard work this committee did and what they've been doing all year to make this a complete success. The last week of April, we are partnering with all of our local affiliates across the state to conduct a statewide week of pro bono service by answering questions on the Texas legal answers website. Our goal is to clear all the pending questions on the website and to make it a little bit more fun we're going to have a friendly competition between the affiliates to see which affiliate will answer the most questions and then we'll

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send some TYLA swag to that affiliate when it's over. But it begins on April 26 and ends on April 30. Our iconic women in legal history, which was a project made possible by a generous grant from the Texas Bar Foundation, was launched last month in celebration of women's history. And you can visit the website at iconicwomen.tyla.org and view all of the different videos that we have about the amazing women that have impacted civil rights and legal rights in this country and in the states. We've also featured videos of women that are often left out of the history books, such as the African-American suffragettes. Our racial justice hub is also in the process of filming and fine-tuning the resources that will be addressed on the hub and there will be resources for public members as well as resources specifically for our profession. This project is scheduled to launch in May. And finally, our leadership tool kit. Though it's geared towards our smaller affiliates, we are compiling resources on governance, reviving an affiliate that's been defunct for a few years, how to create a leadership class similar to those classes that we have in large areas. I know that my leadership skills were greatly improved by participating in the leadership class through the Austin Bar Association and Austin Young Lawyers Association. And so we'll also be having resources on how to start that class for these smaller affiliates. We will have a panel discussion on diversity and leadership, as well as some discussions on mental health and leadership. And with that, that concludes my report.

CHARLIE GINN: Thank you, Britney. It is so awesome and you can't help but get fired up when you hear about the great things that you and the rest of TYLA are doing, and we are excited to see how you finish so strong. And we were excited for madam president-elect Jeanine Rispoli, another one of my favorite friends, to take over next year and continue the great work that you and some guy named Victor started last year. So thank you. Thank you all. With that, let's go to the report from the Texas Bar Foundation, Shannon Dacus. Shannon, are you with us?

SHANNON DACUS: I am. Can you hear me, Mr. Chairman?

CHARLIE GINN: Yes, ma'am, we can.

SHANNON DACUS: OK, thank you. Good afternoon. Thank you, guys, for having me again. I'm Shannon Dacus. I am a lawyer that practices in East Texas in Tyler. But I also have the privilege of being the chair of the board of trustees for the Texas Bar Foundation. And I want to just visit with you a few minutes about the Bar Foundation. By way of background, for those of you that don't know, the Texas Bar Foundation was founded in 1965 with the purpose of raising money to enhance the rule of law and the system of justice across the state. So in the spirit of that, the Bar Foundation provides grants annually for projects that support legal assistance to the underserved, education of the third branch of government, and the promotion of professionalism and ethics. We recruit new fellows to join our diverse and distinguished membership of over 10,000 attorneys and judges across the state through our nominating chairs and their committees in the 17 state bar districts. And each year, those nominating committees help the foundation identify one-third of 1% of Texas attorneys to join us as fellows. And despite the pandemic and thanks to the hard work of our nominating chairs across the state, the Bar Foundation has invited and welcomed 410 new fellows this year. And if you're interested in joining this as a fellow, we'd love to have you please reach out to me. I also am thrilled to announce that the Bar Foundation will be hosting its 2021 annual dinner in person on June 18 in Fort Worth at the Omni Hotel. I do want to tell you, though, that we are strictly limiting the number of attendees because of the ongoing pandemic. But if you're interested in attending, please reach out to the Bar Foundation office and we do have a waiting list that we'll put you on. However, because the attendance is so limited, I did want to take a moment and announce to you all our 2021 Texas Bar Foundation award winners because I know you all will know most if not all of them, and we want to give them the recognition they deserve.

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Our outstanding 50-year lawyer award recipients this year are none other than Allan Dubois of San Antonio, Kelly Frels of Houston, Harriet Miers of Dallas, Terry Tottenham of Austin. Our Dan Rugeley Price Memorial Award recipient will be Billy J. Ellis, Jr. The Lola Wright Foundation Award will go to Bob Black from Beaumont. The Outstanding Law Review Article Award will be presented to Kem Thompson Frost. The Ronald Seacrest Outstanding Trial Lawyer Award will go to Mr. Frank Branson. Our Outstanding Jurist Award will go to Judge Xavier Rodriguez from San Antonio. The Greg Coleman Outstanding Appellate Lawyer Award will go to Marcy Hogan Greer. And the Terry Lee Grantham Memorial Award will go to Terry Bently Hill from Dallas. And finally, I just want to update you on the work we've been doing this year. As you all know, it's been a challenging year for everyone. But the Bar Foundation staff and trustees have been very hard at work, and we've worked diligently with our grantee organizations to make sure funding was used to meet the legal needs of Texans across the state during the pandemic. And in addition to the TYLA Grant we gave for the Iconic Women Project that Brittney just mentioned, a few of the other grants we gave last fall are a \$25,000 grant to the Lone Star Alliance Survivors Project, which aids human trafficking victims and victims of domestic violence with legal support and peer support as well. We also gave a \$20,000 grant to the Greater Waco Legal Services School Equal Partnership and a \$40,000 grant to the Lone Star Legal Aids Eviction Right to Counsel project that assist COVID-19-impacted tenants in the Harris County area. The Bar Foundation board will be meeting in person next week to take up our spring grant applications, and after that we will be able to fund over \$1.25 million in grants to organizations across the state of Texas this year. And I'm very proud to report that that has happened in spite of the pandemic. And as you can see, the Bar Foundation is able to highlight the generosity and the charitable giving made possible through our fellows' dollars. So, again, if you're interested in becoming a fellow, please reach out to me. And thank you for giving me a minute today to share the good work that the Bar Foundation's doing. Thank you, Mr. Chairman.

CHARLIE GINN: Thank you, Shannon, for the great updates from the Texas Bar Foundation, for your leadership there and just the wonderful work that you do for Texas and the public. We just thank you so much for that.

ALISTAIR DAWSON: Mr. Chair, may I have a moment?

CHARLIE GINN: Yes.

ALISTAIR DAWSON: So I have the privilege of serving on the board with Shannon, and I just want the rest of the state bar board to know that that she and Mark Shank, who served as the fellows chair this year, have done an amazing job in stewarding the Texas Bar Foundation through these challenging times. The fact that we're able to give roughly the same amount in grant money, the fact that our revenues from fellows was about the same as it has been in the middle of this pandemic, is nothing short of absolutely amazing. And I tip my hat to Shannon and to Mark Shank for their great work.

SHANNON DACUS: Thank you, Mr. Dawson. I'm turning red now, but as you all know, it's a team effort. It's never one person. Thank you, Mr. Chairman, for the opportunity today.

CHARLIE GINN: Thank you, Shannon and Alistair, thank you for bringing that to our attention. Those were very much needed. Thank you very much. We do not have a report today from our Supreme Court liaison, Justice Deborah Lehrman. So we're going to go to 23(b) to Judge Kevin Yeary for our Court of Criminal Appeals report. Judge Yeary.

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KEVIN YEARY: Well, thank you, Chairman. Again, the Court of Criminal Appeals continues to decide the cases before it as expeditiously and efficiently as possible. The coronavirus pandemic is unfortunately still having its impact on the state. But in an effort to push back towards normalcy, the court met for conferences in person on March 1st, 8th and 15th. But because of concerns expressed by some of our members, we then snapped back to remote conferencing for the time being. Our staff is permitted to work in the office, but we have decided to continue to also permit them to work remotely, at least through the end of May of 2021. And most of our staff are taking advantage of that. We will continue to re-evaluate that status as information presents itself. As of now, the judges continue to conference and hear arguments remotely on the Zoom app and to broadcast our arguments on the YouTube channel. We're grateful for the continued assistance of the Office of Court Administration for all its efforts in helping to make all the remote meetings happen. You all may have heard that one of our former judges, Judge Cathy Cochran, passed away on February 7th, 2021. Judge Cochran was a beautiful writer who always will be remembered by me for her thought-provoking hypothetical questions during oral argument. I also had the personal privilege of serving with her on the very first Texas Board of Legal Specialization Commission on Board Certification and Criminal Appellate Law. Judge Cochran attended Stanford University for her undergraduate education. She graduated from the University of Houston Law School in 1984. She worked as an assistant district attorney for Harris County, as an associate attorney in the law office of Rusty Hardin. She served as a visiting professor at the University of Houston Law School. And as criminal justice policy director for Governor George W. Bush, she was the architect of legislation that first granted the state of Texas a limited right to appeal in criminal cases. In 2001, she was appointed to serve as judge on the Texas Court of Criminal Appeals by Governor Rick Perry, and she served there honorably and with distinction for nearly 14 years until 2014 when she retired and re-entered private practice. Judge Cochran will be missed by all of us who knew her, and she should be remembered and honored by the bench and bar for all of her outstanding contributions to the law. As always, the Court of Criminal Appeals remains grateful for the continued hard work of this board on behalf of all the membership of the state bar of Texas. Thank you, Mr. Chairman.

CHARLIE GINN: Thank you, Your Honor, and for the tribute and for the work that you and the court is doing. We appreciate you very much for taking the time and being here with us today. We do not have a report today from our federal judicial liaison, Judge David Morales. But I do believe that we have our judicial section liaison, Judge Les Hatch, with us. Is that correct?

LES HATCH: You are correct. Thank you, Chairman Ginn. Again, the legislature is in session. And in case you don't know it, just ask any judge. We have been hyper-focused on what seems to be about half of the bills that affect the judiciary in some manner. We've been meeting weekly. Our legislative committee has identified at least 60 bills that are in the House or Senate that affect the judiciary even more so than the balance of the bills. And we've taken trips to Austin to testify on certain bills. I know I've been once, maybe have to go again. And so that's been the primary focus of the judiciary - or the judicial section of late. Jury trials are returning here in Lubbock, Texas. We're having our fourth jury trial this week. We are following the Supreme Court's recommendation that best practices be employed, and that's primarily honoring distancing and masks. And so our jury is spread out, most of whom are in the gallery, some of whom are in the jury box. They have to have a designated room for deliberations so that there's adequate space. And I'm sure all of this is perhaps happening in your counties as well. I want to ditto Alistair's comments about the Texas Bar Foundation. One of the perks of being the chair of the judicial section is that you're a liaison to that board. And certainly Shannon and Mark Shank have done a great job continuing business as normal. I know we're meeting next week live and I'm looking forward to it. And I think that's about it, unless there's any questions. Thank you, Chair.

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CHARLIE GINN: Thank you, Your Honor, for the great report. We appreciate you making time for us this morning - or afternoon, thank you very much. Is there any questions for Judge Hatch? Hearing none, seeing none, we'll move forward to our out-of-state lawyer liaison, Ms. Denise Hoggard. Director Hoggard, are you with us?

DENISE HOGGARD: I am, thank you. We have been discussing bias today. And so I just wanted to go ahead and start by confessing that I do have one I struggle with, and it's about women who are size zero. Tell me, what is with that? Have a cookie or two, please. Just don't take the ones out of my chubby little fingers when you do. Seriously, I want to talk a little bit about my role as the liaison. There is an outside chance that some mean judge will have me in trial when we meet together in Austin, so I might miss the opportunity to see you all for my last meeting. I want to share with you, just in case I missed the meeting, that this is an important position, one that we have an opportunity to reach out to everyone outside of Texas to provide information and receive their questions. Well, that's worked well because I'm able to address concerns. I've been able to address directly with the staff, with director - our executive director, Mr. Apfel, House President Sorrels and our directors here in this group. Now, it was important to our out-of-state membership that we provide information and an avenue for them for their questions and comments that we have had. We always want to be a leading bar association, and the positions that we take matter to how we are perceived. What I've learned from my experience is that our leadership, our executives and our board is filled with highly skilled people who have servant's hearts. We prove that inclusiveness makes us all better by the relationships that we cultivate. So I challenge us not only to just look at appointments that are diverse and inclusive, but also to build lasting relationships that welcome every point of view and celebrates our shared values and goals. Let us be kindred spirits guided by common points of light. I may take my leave from you unofficially at this meeting, since I may miss our meeting in Austin, so I want to thank you all for making me feel so welcome. But I will take you with me in my heart. You will forever be a part of my life. And I hope that if ever you're in my neck of the woods, you will reach out and let me pay back your warm hospitality. Woo pig, suey.

CHARLIE GINN: Denise, thank you for taking time out of your practice for coming to join us as our out-of-state representative and our liaison. You have been just a joy to get to know. I have not heard anything but just big smiles when everybody talks about you, Denise. So thank you for being a part of our bar family and pouring into those relationships. And I hope you do get to come see us in Austin, but if you're in trial, good luck. Take it to them. And your friends in Texas are rooting for you. Thank you for your report. With that, do we have a discussion from our general counsel, Mr. Ross Fischer?

ROSS FISCHER: No, sir. Nothing to discuss other than the issues we'll take up in the closed session.

CHARLIE GINN: All right. And then, Mr. Sirman, are we - any report from you? Is that also going to be in closed session?

JOHN SIRMAN: Going to be in closed session.

CHARLIE GINN: All right. It is now 1:25 P.M. and the state bar of Texas state board of directors will now recess the open meeting and reconvene in closed session pursuant to the Texas government code section 551.071 for the purpose of consulting the legal counsel to include discussion regarding all pending or any contemplated litigation, and section 551.072 to deliberate regarding the potential purchase of real property at 1450 Lubbock Street in Austin. At this time, we'll have a brief recess for our moderators Chelsea and Jennifer to put all members of the 2021 board, including section

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representatives and board liaisons, into a breakout room for the closed session. All other individuals, including non-essential staff and other guests, will remain watching the broadcast. Any director who is attending by Zoom, please turn on your video so we can visually confirm your identity. If you are attending via telephone only, please note we have verified your identity previously. Please do not use the chat feature while we are in closed session for open record purposes. Stand by and we'll transfer you over. By my watch, it is 2:45 P.M. and the open session of the board of directors executive committee will now reconvene. Hearing the closed session only matters relating to consultations with legal counsel, including concerning pending or contemplated litigation, and the potential purchase of real estate was discussed. No action was taken in closed session. And there is no action needed on items discussed in closed session. Before we finish, I just wanted to say this. A year ago, roughly, our board met for the first time virtually. It is my sincere hope, and I know yours too, that this is the last virtual meeting that the state bar of Texas will ever have. That is incredible. That is possible because of you, our directors. You guys are warriors and you showed up when it mattered. For those that say we do this for the awards and the fancy dinners and we're high school student council, I challenge you to look at the last year. You have shown up and you have gone above and beyond, and I want to thank you for that. This staff - I want to thank you for that. Y'all have kept us going. Trey, you have kept us going. Your leadership is beyond comparison. I mean, I could name every person in the state bar and I'm likely to forget somebody, so I won't. But just know that we are so appreciative of this staff for having a year's worth of online meetings. That is just incredible. I don't know how I can ever say thank you to that. I truly hope this is our last meeting - virtually, not ever, just virtually. I am so excited to see all of you in June, I may break a protocol and hug somebody. I don't know. We'll see. And probably Victor Flores, who's my hug buddy. Look, I have something to say and then I'll be done, I promise. To Dianne, to Adam, to Christina and to David, you guys ran incredible campaigns. By your decision to run for the state bar chair, you have empowered other people in the future to want to run. You have done something that that I am so proud of. When I talked last year when I took over, I talked about wanting to create relationships. And the four of you are relationship-driven people. You are leaders that we are going to have to count on next year. You are the core and backbone of this board. And I want to thank you for the guts it took to stand up. And one of my favorite quotes is the man in the arena by Teddy Roosevelt - y'all came to the arena, and you did it with love in your hearts for each other, and I just appreciate the example that you set as leaders. Ms. Santos, I'm excited for your next year. I think you are going to make an outstanding chair. As Jerry Alexander told me, whatever you need, however you need it. With that, I want to thank all of you. I'm going to ask my good friend Victor cause I teased him earlier if he would lead us in our state bar mission statement, hopefully the last that we'll ever have virtually. And then after that, I'll entertain the motion to adjourn. Victor?

VICTOR FLORES: Thank you again, Texas Chair Ginn. State bar mission...

UNIDENTIFIED BOARD MEMBERS: The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law, and promote diversity in the administration of justice and the practice of law.

STEVEN NAYLOR: Motion to adjourn.

CHARLIE GINN: Who said that?

STEVEN NAYLOR: Steve Naylor.

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CHARLIE GINN: Steve Naylor, do I have a second?

AUGUST HARRIS: Second.

CHARLIE GINN: Thank you, August Harris, longest tenured board director in the history of the state bar of Texas.