

## State Bar of Texas Board Meeting 09-25-20

CHARLIE GINN: Well, good morning. It is now 9:02 a.m., and I am calling the meeting to order. All directors will be unmuted for 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 YouTube, [www.youtube.com/statebaroftexas](http://www.youtube.com/statebaroftexas). We also provided instructions on how to speak at today's meeting. Sign-ups were available until 5 p.m. yesterday afternoon. Members of the public will speak after agenda item four and will remain in the Zoom waiting room until it is that portion of the agenda. Please note, this meeting is being recorded, and that recording will be made available to the public. With that, I will call the meeting to order and ask our executive director, Mr. Trey Apffel, to call the roll. Mr. Executive Director.

TREY APFFEL: Mr. Agosto.

BENNY AGOSTO: Present.

TREY APFFEL: Mr. Alexander.

ALEXANDER: Present.

TREY APFFEL: Mr. Allison.

JEFF ALLISON: Present.

TREY APFFEL: Mr. Almanzan.

ANDY ALMANZAN: Present.

TREY APFFEL: Mr. Baruch.

CHAD BARUCH: Present.

TREY APFFEL: Ms. Bihm.

KATE BIHM: Present.

TREY APFFEL: Ms. Brooker.

REBEKAH BROOKER: Here.

TREY APFFEL: Mr. Cavello.

CAVELLO: Present.

TREY APFFEL: Mr. Carlos Cardenas.

CARLOS CARDENAS: Present.

TREY APFFEL: Mr. Luis Cardenas.

LUIS CARDENAS: Present.

TREY APFFEL: Mr. Cook. Ms. Cordova.

DEBORAH CORDOVA: Present.

TREY APFFEL: Mr. Crain.

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ROB CRAIN: Here.

TREY APFFEL: Ms. Davis.

CHRISTINA DAVIS: Present.

TREY APFFEL: Mr. Dawson.

ALISTAIR DAWSON: Present.

TREY APFFEL: Mr. Dokipel.

DOKIPEL: Present.

TREY APFFEL: Ms. Hernandez-Ferrier.

MARIA HERNANDEZ-FERRIER: Present.

TREY APFFEL: Ms. Borunda Firth. Mr. Fischer. Mr. Flores.

FLORES: Here.

TREY APFFEL: Ms. Forbes.

LUCY FORBES: Present.

TREY APFFEL: Mr. Ginn.

CHARLIE GINN: Here.

TREY APFFEL: Ms. Goldsberry.

SHARI GOLDSBERRY: Here.

TREY APFFEL: Mr. Gray really has an excused absence. Mr. Harris.

HARRIS: Here.

TREY APFFEL: Ms. Harrison.

BRITNEY HARRISON: Here.

TREY APFFEL: Judge Hatch.

LES HATCH: Here.

TREY APFFEL: Ms. Hoggard. Ms. Humphrey.

WENDY-ADELE HUMPHREY: Present.

TREY APFFEL: Mr. Hurst.

MICHAEL HURST: Here.

TREY APFFEL: Mr. Kolidosky.

KOLIDOSKY: Here.

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TREY APFFEL: Justice Lehrmann.

DEBRA LEHRMANN: Here.

TREY APFFEL: Ms. Cortez Marez.

CORTEZ MAREZ: Present.

TREY APFFEL: Mr. McDougal.

LARRY MCDUGAL: Present.

TREY APFFEL: Ms. Cara Miller.

CARA MILLER: Here.

TREY APFFEL: Ms. Emily Miller.

EMILY MILLER: Here.

TREY APFFEL: Judge Morales.

MORALES: Here.

TREY APFFEL: Ms. Mount.

MOUNT: Present.

TREY APFFEL: Ms. Murphy.

KATHRYN MURPHY: Here.

TREY APFFEL: Mr. Naylor.

STEVE NAYLOR: Here.

TREY APFFEL: Ms. Rispoli.

RISPOLI: Here.

TREY APFFEL: Ms. Roe.

CARMEN ROE: Here.

TREY APFFEL: Mr. Schramek.

ADAM SCHRAMEK: Here.

TREY APFFEL: Ms. Scott. Mr. Sergei. Mr. Sems.

SEMS: Here.

TREY APFFEL: Mr. Jason Smith.

JASON SMITH: Here.

TREY APFFEL: Mr. Michael Smith.

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MICHAEL SMITH: Here.

TREY APFFEL: Mr. Todd Smith.

TODD SMITH: Here.

TREY APFFEL: Mr. Sorrels.

RANDY SORRELS: Here.

TREY APFFEL: Ms. St. Yves.

DIANE ST YVES: Here.

TREY APFFEL: (Inaudible) Tolgen.

TOLGEN: Here.

TREY APFFEL: Mr. Vargas.

SANTOS VARGAS: Here.

TREY APFFEL: Mr. Vasquez.

MICHAEL VASQUEZ: Here.

TREY APFFEL: Ms. Wellburn.

WELLBURN: Here.

TREY APFFEL: Mr. Wester.

JAMES WESTER: Here.

TREY APFFEL: Ms. Pag Wilson.

PAG WILSON: Present.

TREY APFFEL: Judge Yeary.

KEVIN YEARY: Here.

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

MARY SCOTT: Trey.

CHARLIE GINN: Thank you, Trey.

TREY APFFEL: I'm sorry. Was there some - Ms. Scott? Yes, ma'am.

MARY SCOTT: Yes, sorry. I'm here. I was on mute.

TREY APFFEL: We got you. We're glad you're here. Thanks, Mary. All right. With that, I'd like to call on Director Rob Crain to unmute and lead us in the invocation for today. Rob, floor's yours.

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ROB CRAIN: Please bow your heads. Dear God, we thank you for safely returning us for service to our fellow lawyers and fellow citizens of the state of Texas. We ask for your wisdom, grace and compassion to guide our intentions and actions as we move forward in challenging times. We ask you to provide comfort for all those who feel the loss in our judiciary this past week - a loss of not only an historic person and role model, but for many, the personal loss of the convictions and ideals Justice Ruth Bader Ginsburg brought to the administration of justice. We thank you for her service. In all that we do today and every day, please be a reminder to us all that you made each and every person on your Earth, that we are all your children, equal in your eyes. Our country that you are blessed so immensely was founded on the idea that all men are created equal. Yet when first put to parchment paper announcing the freedom of this country, our laws did not treat all men or women as equal. Through your guidance, it has been the administration of justice through lawyers and judges over nearly 250 years to make the greatest strides towards attaining that idea. Please help us continue to strive for that idea in all that we do. And in that journey, help us to be mindful that what unites us is far greater than what divides us. As we proceed with our work today, please also fill our hearts with gratitude and good humor. Our work here is often confined by restrictions and limitations. But please help us to appreciate the great honor to find solutions, to be of service to our members and to promote equality for all your children. We've been witness to our selfless staff working extended hours to rise to recent challenges. We are grateful for their service. And we've been witness to the chair of our board lead with openness and grace. We are grateful for his service. And as a personal request, could you please give longevity to the nickname bestowed upon our chair, a nickname given to him by a member of the bar for his recent exemplary service. That nickname - the Texas Treasure. We thank you for the opportunities you bring us today. And please lead us in work today which glorifies you. Amen.

CHARLIE GINN: Thank you, Rob, for that wonderful benediction, clear indication. I don't know that I've ever wanted to hit somebody after a prayer before. Thank you very much. We'll ask director Shari Goldsberry if she would please lead us in our pledges. Thank you.

SHARI GOLDSBERRY: 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 thee, Texas, one state under God, one and indivisible.

CHARLIE GINN: Thank you, Shari, for that. And we appreciate you being here this morning. We are going to go now to the remarks and the general public. We'd like to welcome any members of the public who have signed up to speak. Members of the public, you will be kept in the Zoom waiting room until it is your turn to speak. I'll address you and give you the floor for that. Please understand you'll be given three minutes to speak. In keeping with the traditions that we've done over the last special board meetings, I will stand up at your one-minute warning. And at that point, I'll ask you to wrap up your thoughts once you've hit your three minutes. Please... (CROSSTALK)

CHARLIE GINN: Our first speaker... We appreciate you being here this morning. We are going to go now to the remarks and the general public. We'd like to welcome any members of the public who've signed up to speak. Members of the public, you'll be kept in the Zoom waiting room until it is your turn to speak. I'll address you and give you the floor for that. Please understand you'll be given three minutes to speak. In keeping with the traditions that we've done over the last special board meeting...

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CHARLIE GINN: Ms. Parks, if you would turn your YouTube feed off because there's a delay, so that's where the confusion is right now. So if you would turn your YouTube feed off and just go off Zoom, I think that would be helpful for us. Is that OK?

TONYA PARKS: Yes.

CHARLIE GINN: Perfect. I heard my own voice and got confused and thought I'd messed something up. So I appreciate you being here today. Ms. Parks, you have the floor. Your three minutes starts now. Thank you.

TONYA PARKS: OK. Thank you so much. Good morning. My name is Tonya Parks. I'm the owner of Justice Too, created for oversight of the judicial process, due to my experience within the judicial system. I would like to thank you for giving me this opportunity to speak on my behalf, as well as so many others who have lost public trust in the Texas State Bar and the ones that lead it. I'm here today as an African American woman who is a victim of institutionalized and systematic oppression and racism in the justice system, your organization and your leadership. Jerry Alexander, John Browning and Jason Barrett and Judge Sallie Montgomery intentionally worked with others to railroad me out of court by misrepresenting the law to get me to dismiss my case. The judge, McArnot, even stated on the record that the defendants were the problem, and she hated that they lied. I have presented material in my packet that will discuss - that I presented to you that I will discuss a few of the reasons why I'm here today. In those materials, you will see how your previous president, Jerry Alexander, and John Browning, violated my due process in the ability to have a fair trial in front of an impartial judge. I can show how they used their credentials and titles of advancement within the state bar to secure their protection on grievances, consistent injustices in the court of law and use those - use them to intimidate others while also creating alliances to cover up and silence their misconduct. I'm going to read you just a few statements in an email that I sent to Ms. Claire Reynolds and Ms. Willing, Seana Willing, in your organization to express my concern about a couple of the promotions with John Browning. In one of the emails, John Browning had just gotten promoted to the Fifth Court of Appeals. And some of the actions that he has done to me they know about through previous conversation, and they have done nothing to protect my interests. They - in one particular hearing that I had to give testimony against their misconduct and the lies that they did in court. Along with the collusion and the conspiracies and the conflicts of interest that they established, they had six bailiffs in a courtroom to basically intimidate me. So while I was giving testimony against them, you know, I would be intimidated and threatened that if I did not stop or did not say something appropriately, then who knows what would happen? And I didn't have anyone there for my protection. I did have a lawyer, but that was it. I was the only witness. And in that we tried to even recuse the judge beforehand so that I could have a trial in front, but they would not allow that. And they actually brought in a judge, Emily Miskell, to hear a recusal hearing where John Browning and Judge - and John Browning - or Judge - Emily Miskell and John Browning have previous working relationship or working ties. So - and John Browning was currently at that particular time running for the Fifth Court of Appeals as well. And so in this email, I also tell her about all this, and I said this is...

CHARLIE GINN: Ms. Parks, please finish your thought.

TONYA PARKS: ...And judicial supremacy and inequality. They look at me as a Black woman, and they don't care. And so then Ms. Reynolds replies back, and she says, I can certainly understand your frustration. And I absolutely hear you and understand that you are - what you are saying in regards to

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systematic oppression, systematic and institutionalized racism in this country. I believe you, and I do not at all think...

CHARLIE GINN: Ms. Parks, please finish your thought.

TONYA PARKS: ...Are a threat to you. And I'm sorry. And so basically what I'm saying, you guys - I really do believe that you guys need to bring diversity into your leadership because due to the inconsistencies in the discipline actions against African American lawyers who are not a part of your leadership. I can show how it is difficult for victims like myself to hire a lawyer against your establishment and judges with political influences. They are fearful of the same retaliation...

CHARLIE GINN: Ms. Parks, I don't mean to cut you off. Ms. Parks, I'm so sorry, but...

TONYA PARKS: I'm so sorry.

CHARLIE GINN: OK, thank you, ma'am, for your comments and for your time today. Thank you very much.

TONYA PARKS: Bye bye.

CHARLIE GINN: Our next speaker is Derek Smith. Mr. - I'm so sorry, Mr. Rich Robbins. Mr. Robbins, are you with us?

RICH ROBBINS: Can you hear me, can you hear me?

CHARLIE GINN: Yes, sir, the floor is yours. And since you're calling in on the phone, I'll give you a verbal warning at the one-minute mark. You called in before, so you know how that works, Mr. Robbins. The floor is yours, sir. Your time starts now.

RICH ROBBINS: Thank you, Texas treasure. OK, good morning, ladies and gentlemen. Thank you all for your service to the bar and to Texas. I appreciated the commentary just now by Ms. Tonya with regards to how we don't have a particularly fair grievance system, at least in the perception of ethnic minorities, and as a result it is harder for some people to get attorneys to champion their cases and causes. If grievance reform could happen, then the perception of unfairness could be greatly diminished. There are various grievance reform proposals that numerous Texas attorneys have contributed to the compilation of. They're available at [texasbarsunset.com](http://texasbarsunset.com). You're always welcome to check that out morning, noon and night. Now, there's a - according to agenda item number 16, the referendum with regards to certain items is coming up soon - potentially anyway - to the exclusion of grievance reform. Why not consolidate referendums to save the bar money and reduce voter fatigue and thereby enable grievance reform to get voted on in the upcoming referendum? It's a problem that is particularly affecting minorities, as Ms. Parks was just mentioning. And it's something that's well worth your addressing, please. I'd also like to speak to agenda item 15, and that has to do with the elections of presidents, for example. Currently to be a petition candidate, one needs around 5,000 signatures. Apparently only Steve Fischer and Joe Longley have ever achieved that. It's also interesting that since 2006, when Texas Bar Sunset - which I maintain - started compiling data, we've only seen the voter petition...

CHARLIE GINN: Mr. Robbins, you have one minute, sir.

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RICH ROBBINS: Thank you, sir. We've only seen the voter participation rate reach or exceed 30% three different times since 2006. Two of those times were when there was a runoff candidate involved, Joe Longley or Steve Fischer. Why not make it so that there are only a thousand signatures required in the future to be a petition candidate? Variety boosts interest. The voter participation date is also at [texasbarsunset.com](http://texasbarsunset.com), by the way. And finally, with regards to the referenda agenda item of merging, or I should say graining reciprocity to federal entities and courts in the state bar of Texas judicial system and disciplinary program, why not maintain the independence? Otherwise, it's going to be harder for Texan entrepreneurs to inspire their attorneys, their long trusted attorneys, to represent them in federal courts. As you know, federal courts and federal agencies, the leaders...

CHARLIE GINN: Mr. Robbins, please finish your thought, sir.

CHARLIE GINN: OK - the leaders are not democratically elected and as a result, we don't necessarily get the best justice in such entities. Why not protect Texans from losing their attorneys in the event of needing to go into federal courts by maintaining the independence of Texas discipline from federal court discipline and federal agency discipline? Thank you very much.

CHARLIE GINN: Thank you, Mr. Robbins, for your time and for your comments this morning. Mr. Steve Bolden, are you on our call, sir? Steve, if you're there and you're muted, we can't hear you so you might yourself. There you are, Mr. Bolden, how are you? Can you hear us? you're still on mute, sir. So I see that you're on mute, Mr. Bolden. There's a button says connect to audio, make sure you've selected that. There you are. Can you hear us?

STEVE BOLDEN: Yes.

CHARLIE GINN: Yes, sir. The floor is yours. You've got three minutes, sir.

STEVE BOLDEN: Oh, great. Well, good morning, everyone. I'm here to talk about electronic signatures for petition candidates. But in particular, what I would like to say is that we need one state bar, one state bar that's comprised of over 105,000 lawyers that come from small firms, large firms, criminal lawyers, defense lawyers, plaintiffs' lawyers, lawyers from East Texas, West Texas, black, white, brown. All of these lawyers have a voice and need to be heard. And lawyers want to be heard and they also want to be respected. And how we maintain one state bar of Texas is allowing these voices to be heard. And how they can be heard is removing impediments to these voices. And how we can do that right now - and it's a moment of reform - is to allow for electronic signatures for petition candidates. In particular, right now, we're under a pandemic, and to force a petition candidate to get wet signatures today in this time and age is not good. Not only that, it's also the number of signatures that is currently required. Right now it's - you have to have 5% of regular members sign that petition. There's 105,000 lawyers plus. If we were just talking about African Americans, there's only 5,700 African Americans, and so in this day and age, if there was an issue that was just unique to African Americans and they wanted to have a voice, they would have to get 5,500 signatures. That's a daunting task...

CHARLIE GINN: Mr. Bolden, you have one minute.

STEVE BOLDEN: Thank you. And so today, it's not just lawyers of color who want to be heard. There are lawyers in East Texas. There are lawyers and large firms. There are lawyers who are Democrats, Republicans, all these kinds of voices that want to be heard. And today, what I urge this board to do in a spirit of reform - because we are one state bar of Texas and we're a great bar - is to allow for electronic

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signatures and especially in light of the pandemic we have right now. But additionally, the requirement for 5% of regular members when the Texas young lawyers only requires 500 people and we're requiring this large number - I think it's not one where a bar that is mandatory and a united bar - it doesn't work. And so, I urge for you to vote in favor of electronic signatures and also to reduce the number of the 5% requirement. Thank you very much.

CHARLIE GINN: Thank you, Mr. for your time and for your comments today. I don't believe we have any other members of the public here. Derek Smith, are you with us? If you are, please unmute yourself. I don't see you on the screen. If you are, please get in touch with us at Amy Starnes' email, the same email you used to sign up, and we'll get you in. At this point, though, I believe we've heard from every member of the public who signed up and was present to speak. 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 use that raise your hand feature on Zoom. You can do that at the very bottom of your screen. Director Sergi, I saw your hand raised earlier. I was assuming you were just letting us know you are here. We do have you on the roll. Thank you for being here, sir. So at this point we're going to move to item number six. President Larry McDougal has some resolutions to present. Mr. McDougal, the floor is yours.

LARRY MCDOUGAL: Thank you, Mr. Chair. I believe on the list I have the first is attorney Ralph Gonzalez. I'd like to say a little bit about Ralph in this resolution. The resolution itself is online. But let me tell you a little bit about Ralph. I first met Ralph when he became a baby prosecutor in the Fort Bend County district attorney's office. It's my belief and knowledge he was our very first Hispanic prosecutor. in Fort Bend County. Ralph, has always been a go getter. After serving with the prosecutor's office for ten years, he left and started his own practice as a criminal defense. And this is where Ralph really stood out. Ralph immediately opened his door to the other lawyers, the younger lawyers. He was giving advice. He was letting lawyers sit with him. He mentored young lawyers. And Ralph continues doing this to this day. In fact, one of the ones that he's probably mentored the most is his law partner, who is his daughter, Lisa, who also office with him. It's people like Ralph that we believe gives the criminal defense bar a good name. He works hard to have worked with other lawyers. He basically - give you a little background on Ralph. Ralph is a son of Mexican immigrants. He was the first in his family not only to graduate law school, but the first to graduate high school. He served in the military and from the military he worked his way through college and law school. Ralph didn't have it easy, but he made a success of it. Ralph is one of the ones that basically grabbed - pulled up his bootstraps and went to work and made a success. And of that, I am proud to honor Ralph Gonzalez because of everything he has given back to the legal community. The mentorship he's given our young lawyers has been outstanding. He served as president of the criminal defense bar Fort Bend County. And to that, Ralph, I would like to present you with this resolution. Thank you very much, Ralph Gonzalez.

CHARLIE GINN: Congratulations to Mr. Gonzalez and to this family. Our next resolution is - see... Mr. Gonzalez, are you on the call?

RALPH GONZALEZ: I am.

CHARLIE GINN: Mr. Gonzalez, if you would like a few minutes to speak - normally we do this in person so I'm sorry we're doing this virtually today. But if you'd like a few minutes to speak, we'll give you the floor for three minutes, sir. The floor is yours.

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RALPH GONZALEZ: Thank you very much. I am humbled by even being considered for this award. I had another response plan, but my daughter said, no, no, not that one. When I go back and see where I came from, I know my parents would be proud. When asked, are you the first one to graduate from college, my response is no, I'm the first one to graduate from elementary school. And that normally gets the conversation started. The neighborhood I was raised in made me tough and not willing to back down from a fight. Today, I carry that attitude in the practice of law and try to instill that attitude in the new lawyers I meet. We live in the greatest country on earth. And we are involved of one of the greatest professions on earth. I could not have got here without my family - my wife Gloria who has tolerated for many years, my daughter Lisa Marie Gonzalez-Salceda the lawyer-scientist in my office who practices with me, my son Alberto Salceda who works for the public defender's office in Fort Bend County, and for my two granddaughters, ages seven and three, and Amelia, who at their tender age now argue like lawyers. I think God for all that God has given me and I say God bless America. Thank you.

CHARLIE GINN: Thank you, sir. Congratulations on your resolution. It's certainly well deserved. Mr. McDougal, you have another resolution to pass. The floor is yours, sir.

LARRY MCDUGAL: Thank you. Next, we want to honor Richard ""Dick"" Tate. Mr. Tate has been an outstanding warrior for lawyers in Texas. Mr. Tate served for basically 21 years as the chair of the Texas Access to Justice Foundation. He has given so much of his time for the poor in providing legal services for them. A fact that a lot of people don't know is he has now surrendered part of his law office to Gulf Coast Legal Aid. So when you drive by his office in Richmond, Texas, you see that there also. Mr. Tate has also provided years of litigation to submit the constitutional validity of the interest on the Texas lawyers trust accounts, IOLTA accounts, which has provided millions of dollars in the basic legal services for the poor. Mr. Tate's also serve in many other factions. He's basically known as a go to lawyer in Fort Bend County. He is probably one of the most revered lawyers in Fort Bend County. And with that, Mr. Tate, for all your years of service and everything you've done for the lawyers of this state, I would like to present you with this resolution from the state bar of Texas.

CHARLIE GINN: Congratulations, Mr. Tate. Mr. Tate, are you on our call? If you are, please and unmute yourself. We're showing that you are. There you are, Mr. Tate. If you would just unmute yourself. There you go. If you'd like to say a few words, sir, the floor is yours.

RICHARD TATE: Thank you. Thank you, President McDougal, chairman again and members of the board. It's indeed an honor. To join you this morning and to receive this recognition through the form of the resolution. I received the resolution framed in my office night before last, and it's truly very nice and I appreciate it very much. Serving as the board chair of the Access to Justice Foundation has been the singular, most rewarding experience that I've had in my 41 years of law practice. The things that I've seen done in Texas by just incredible lawyers who have chosen to devote their lives to - essentially to poverty law has just brought tears to my eyes over and over again over those 41 years. We have in Texas, what I've always called the gold standard of provision of legal services to those who deserve them but can't afford them. And more importantly, thanks to Justice Lehrmann, Justice Hecht, Justice Guzman and now Justice Busby and the entire Supreme Court. We are known nationwide as basically, as I said, the gold standard. And it's because our Supreme Court has made it such a priority and they've made it - they've just made everything easy for us as those who attempt to deliver the services on a daily and yearly basis. Thank you for the recognition, this resolution. I thank my family as Ralph did. Ralph and I are old friends. And this is sort of Fort Bend County day, I suppose. And thank you, Chairman McDougal.

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And I'd like to thank my family - my wife Cathy, my son Alex - who have supported me in this endeavor for the total of 27 years that I've been on the foundation board. I stepped down formally yesterday and Justice Deborah Hankinson will be taking my place. And there is no doubt that Justice Hankinson and this Supreme Court will take the Texas program to greater heights. And let me just say finally that that we've had a great court, we've had great court support. We've had great lawyers practicing in the field, but we've also had the unique support of the State Bar of Texas every step of the way. We put - the state bar puts together, in April of every year, just been a team of spirit - public-spirited lawyers to go to Washington and meet with the entire Texas congressional delegation. And assuming the pandemic eases before next spring, Chairman McDougal will lead that effort this year. I mean, President McDougal and Chairman Ginn will lead that effort this year. And we thank the state bar for its unceasing support, and we look forward to better things ahead in our Access to Justice program in Texas. As I said, we're the gold standard, we all intend to keep it that way, and we thank all of you for your support and everything you've done to put us in that position. Thank you, again.

CHARLIE GINN: Congratulations, Mr. Tate, to you and your family. I know this is a well-deserved honor. Congratulations. Mr. McDougal, you have another resolution, I believe? Floor is yours.

LARRY MCDOUGAL: Yes, I do, Mr. Chair. Next, we'd like to honor the Honorable Rodney O'Neil Williams, judge of the 268th District Court.

RODNEY O'NEIL WILLIAMS: Thank you.

LARRY MCDOUGAL: To give you a little background on Judge Williams - Judge Williams, you starred in the Third Ward of Houston. He worked his - after graduating high school, he joined the U.S. Air Force, where he became a law enforcement officer of the Air Force, which subsequently led to a position with the Fort Worth Police Department. Mr. Williams, or Judge Williams, worked his way through college and law school, serving the public. Upon graduating law school, he spent 16 years as an attorney in private practice and then did two years as a senior trial lawyer in the office of the public defender. He's the first African American elected judge of the 268th District Court here in Fort Bend County. He was elected in 2018. As judge, he has shown his passion for law and his passion for fairness. He has been a proponent of bill reform, reviewing the bill of each and every case that came before him and modifying them till he deemed appropriate. He provides hearings, he provides access to judges, and the last nominee we had - he will tell you that when he has a question, he ask himself, what would Judge Sandy Bilstein do? He is committed to the civil rights and equal justice for all, and he is extremely dedicated to the legal profession. And as such, I would like the state bar to honor Judge O'Neil Williams with this resolution.

CHARLIE GINN: Congratulations, Your Honor. And for this resolution, are you with us today, Sir?

RODNEY O'NEIL WILLIAMS: Yes, I am.

CHARLIE GINN: The floor is yours.

RODNEY O'NEIL WILLIAMS: Thank you. Thank you. I don't think that I'll need three minutes, but I'll try to stretch my time a little bit. Thank you to the president, thank you to the board, and thank you all very much for the honor. I think it's fair for me to say that I would not be where I am today were it not for the guidance of Judge Bilstein, who formally sat in the county court-at-law number four. But it is also fair to say that I wouldn't be where I am without the support of the man who is now our president. He began urging me to run for office in 2016, and I said no. Then he wanted me to run for office for 2018, and I

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said no. Until finally, it sunk in that maybe this was the best course. You see, I started in police work as a idealistic young kid thinking that I could save the world. After becoming a police officer, I realized that one officer can't change much. So I decided I'd be an attorney, and I spent midnight shifts studying to get a degree to become a lawyer. And I worked my way into law school at Tulane University. After becoming a lawyer, a defense attorney, I worked criminal defense, or what I call you'll-never-get-rich law. And I worked my way through the process, learning by watching your president, our president, Larry McDougal. And I know from being a criminal defense lawyer that the system is indeed broken. The system didn't break at the time of the 2018 election, the system was broke before that. And so what I've endeavored to do is to try to make changes in this one court, to fix what is broken and what was wrong. We've tried to up pay for criminal defense attorneys who are appointed to represent the indigent. We've tried to up the pace so that we can get the more experienced and the top-flight attorneys working in Fort Bend County to take the cases of the indigent. Nobody got into this business

RODNEY O'NEIL WILLIAMS: to be poor except me, and - no, that's a joke. I hope that is (laughter) viewed as a joke. But we all know that criminal defense attorneys are not the highest-paid. We also know that those working to serve the indigent are not the highest-paid. So we've endeavored to increase the pay for those attorneys who practice before my court. And it's working. As I said, we tried to draw in the best attorneys and make sure that those attorneys who come in to represent these folks are not overworked because they have to work on such high volume. As I said, I think it's working. What we also are endeavoring to do now is to take a look back. As I said, the system did not break on the day that Democrats took over a few courthouse - courtrooms in Fort Bend County, the system was broke before then. So we are endeavoring to take a look back and to look at sentencing that happened in the times before. And when we get that done, I think that will have taken a big step towards fixing what may have been wrong before. But then we have to make sure that we never go back to that. And I thank you all for the honor and allowing me to be here this morning. Thank you very much.

CHARLIE GINN: Thank you, Your Honor and Judge. And congratulations to you and your family on this award. I'm sure it's - and know it's well-deserved. Mr. McDougal, you have one more resolution, I understand.

LARRY MCDOUGAL: Thank you, Mr. Chair. And this is the one I saved for last. You've already heard mention of Judge Sandy Bielstein. Judge Sandy Bielstein is one of those judges that, in my view - I believe that Judge Williams is, in fact, Judge Richard Tate and also Ralph Gonzales, and most of the lawyers in Fort Bend County and surrounding counties - basically obtain the status of a legend. He is what we believe every judge strive to be. He was one of the most fair, knowledgeable and open judges that you would have ever met. Today, many judges hide in their chambers behind locked doors because of security threats. Judge Bielstein wouldn't do that. He kept the doors to his chambers unlocked, he kept a pot of coffee on all the time, and he had a spot for every lawyer that wanted to come talk to him. As long as your case wasn't pending in his court, he would be more than willing to talk to any lawyer. It was frequent the five criminal defense lawyers, prosecutors, plaintiffs lawyers, insurance defense lawyers, probate lawyers, even family lawyers in his court seeking his wisdom and advice. And he was never shy and never denied taking the time to sit down with a lawyer and discuss it with them. He was there for every lawyer. He made his courtroom available to any lawyer group any time they wanted it. He maintained that open-door policy even before becoming a judge. His door to his office in private practice was always there. Sandy is from Tyler, Texas, originally. He grew up, was a Marine in Vietnam in the 1960s. He was a Houston police officer. That's how he worked his way through college and law

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school, graduating from South Texas College of Law. He was a homicide lieutenant when he retired. And you would think by looking at his background that he would have been one of those ones that was hard as nails, but actually, he turned out to be one of the most compassionate, caring people that anybody would ever find. We have the wheel, which judges use now to give court appointments. But every week or every docket, be it the Tuesday criminal docket or the Friday arraignment docket, Judge Bielstein will always pull cases off and he would hold them off the field. And the reason he did this is young lawyers graduating from law school or leaving farms, or young prosecutors leaving the DA's office, knew that they could come to Judge Bielstein's court and he would have a court-appointed for them. He was big in helping young lawyers, lawyers new to the practice of criminal law, in getting appointments and starting their careers. This is something that he did from the beginning of his time as judge until his death in 2017. This man was not only a legend, but he was a model for what I believe every judge should strive to be. Today, I would like to ask the state bar to possibly honor Judge Sandy Bielstein for service both to the nation, his community, his commitment to the fair and just application of law, his tireless community service and his total dedication to the legal profession.

CHARLIE GINN: Thank you. Thank you, and I believe that we have Judge Bielstein's son with us today. Is that right? Are you with us, Sir?

SEAN BIELSTEIN: Yes, Sir.

CHARLIE GINN: All right. The floor is yours for three minutes. Congratulations to you and your family.

SEAN BIELSTEIN: Thank you. Oh, boy. I was doing all right till O'Neil said the things that he said, and Mr. McDougal said he - I'm just, oh - it's an honor and privilege, basically, to be here. And I thank the board for honoring my dad, Judge R.H. Sandy Bielstein. It's kind of a bittersweet day today because today is a five-year anniversary of a restaurant that my dad and I opened. So, you know, Dad used

SEAN BIELSTEIN: to have a saying. It's still - it sticks with me to this day and sticks with a lot of people. He used to say I'm not Republican, I'm not Democrat, I'm American. And as you can hear - as you've heard from a lot of the things that Mr. McDougal said and Judge O'Neil said, Dad was a - he had the open-door policy, and he always cared about everybody else and wanted to teach and make sure everybody learned everything that they possibly could. You know, he's my role model, he's my mentor, and even in death, he's still my hero. So, you know, I'd just like to thank y'all very much for this. It's very deserving, and thank y'all.

CHARLIE GINN: Thank you, Sir, for being with us and for your comments, and congratulations to you and your family for your father's award. I'm sure it was well-deserved. With that, that concludes our presentation of the resolutions. And we do have a ceremonial swearing-in to do that I'm going to ask both Dr. Ferrier and Justice Lehrmann to unmute themselves. She is a public member, Dr. Ferrier. She was appointed by the Supreme Court for a three-year term, and she was sworn in before the July 27, 2020, special meeting, but we wanted to make sure that we accomplished that today. Justice Lehrmann, the floor is yours, Ma'am.

DEBRA LEHRMANN: Thank you so much, Mr. Chair. It is my extreme honor to be able to welcome our newest public member, Dr. Maria Hernandez Ferrier. Dr. Ferrier, could you please raise your right hand?

MARIA HERNANDEZ FERRIER: Yes.

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DEBRA LEHRMANN: I...

MARIA HERNANDEZ FERRIER: I...

DEBRA LEHRMANN: ...Dr. Maria...

MARIA HERNANDEZ FERRIER: ...Maria...

DEBRA LEHRMANN: I, Dr. Maria Hernandez Ferrer...

MARIA HERNANDEZ FERRIER: Dr. Maria Hernandez Ferrer...

DEBRA LEHRMANN: ...do solemnly swear...

MARIA HERNANDEZ FERRIER: ...do solemnly swear...

DEBRA LEHRMANN: ...that I will faithfully execute...

MARIA HERNANDEZ FERRIER: ...that I will faithfully execute...

DEBRA LEHRMANN: ...the duties of the office of board of directors...

MARIA HERNANDEZ FERRIER: ...the duties of the office of board of directors...

DEBRA LEHRMANN: ...of the State Bar of Texas...

MARIA HERNANDEZ FERRIER: ...of the State Bar of Texas...

DEBRA LEHRMANN: ...and will, to the best of my ability...

MARIA HERNANDEZ FERRIER: ...and will, to the best of my ability...

DEBRA LEHRMANN: ...preserve, protect and defend...

MARIA HERNANDEZ FERRIER: ...preserve, protect and defend...

DEBRA LEHRMANN: ...the Constitution...

MARIA HERNANDEZ FERRIER: ...the Constitution...

DEBRA LEHRMANN: ...and the laws of the United States...

MARIA HERNANDEZ FERRIER: ...and the laws of the United States...

DEBRA LEHRMANN: ...and of this state of Texas...

MARIA HERNANDEZ FERRIER: ...and of this state of Texas...

DEBRA LEHRMANN: ...so help me God.

MARIA HERNANDEZ FERRIER: ...So help me God.

DEBRA LEHRMANN: Thank you so much, Dr. Ferrer. We, the State Bar of Texas and the Supreme Court of Texas, is thrilled - and I say that from the bottom of my heart, thrilled - to have you join us in this very important endeavor. Thank you for your commitment and your willingness to serve.

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MARIA HERNANDEZ FERRIER: Thank you, Justice Lehrmann.

DEBRA LEHRMANN: Thank you.

MARIA HERNANDEZ FERRIER: Thank you.

CHARLIE GINN: Thank you, Dr. Ferrier, for joining us. We are excited to have you and Justice Lehrmann. We are going to take item No. 24 out of order for Justice Lehrmann to give us a report, and then we will proceed to item No. 19 for Director Goldsberry's report, and then we'll get back on schedule. Justice Lehrmann, the floor is yours for your report, Ma'am.

DEBRA LEHRMANN: Thank you, Chair Ginn. I want to start, as always, by thanking the wonderful staff of the State Bar of Texas, the wonderful volunteers who serve so diligently, and our leaders, certainly Chair Ginn and President McDougal. Thank you all. It's such a tough time in our society with so many things going on with the pandemic, with all of these amazing environmental issues that we're having to deal with in our state and across the nation in terms of hurricanes and fires and those kinds of things, the social unrest that we're experience right now - and that's only a small portion of the things that are just so challenging at this time. And nobody is more committed to dealing with those issues in a way that's going to help all of us, then members of this board, the State Bar of Texas, and members of the legal profession generally. So I want to, on behalf of the court, thank you all so much for your commitment, for your dedication and for your hard work during these very challenging times. So we have quite a bit to report because things are so crazy right now. Generally, just to let you all know, the court is not meeting in person. We have not met in person since March. Everything is done by Zoom, including our conferences and our oral arguments. We have 18 new law clerks who started this week, and they are all participating remotely also. That's a bit challenging because as you all may know, we - each chambers has two new staff - law clerks that comes in every year. Last year, when the pandemic hit and we were all quarantined, we knew each other by March quite - very, very well. We get to know each other very, very well. The intensity of the work is huge. And so for us to work at home wasn't really that unusual or hard because we were at that point in time getting down to get at all of our opinions down to paper - to studying, to going back and forth over each other's work. It's the most intense time of the court. Now, however, with these new clerks coming in it is challenging, because getting to know somebody by Zoom just is not the same as getting to know somebody in person. So we're trying to deal with this the best we can, as I know all of you are as well. As I said, we started oral arguments by Zoom this past month. We will continue. We're having some emergency issues that are being presented because of the pandemic. We'll have oral argument again next week and we have decided as a court that we'll continue those Zoom oral arguments at least through November. We're constantly working with the health officials. As you all know we have, I think, to date it's 2,300 new cases per day and over 100 deaths in our state alone. So we have to be mindful of that tragic effect on members of our society. As many of you know, Justice Green retired on August 31st. He was our senior judge for the past seven years and had served as an associate justice for years before that, and we are certainly going to miss him. We have not really had any word on a new appointment to fill in his vacancy, but of course the governor, as all of us, are really working overtime and so it's understandable that that has not been dealt with yet. I'm very sad to report that Justice Eugene Cook recently passed. Perhaps his most notable contribution to the court was that he was the author of the Texas Lawyer's Creed and of course, we will all be very - are very mournful over his loss. And I would also like for us to reflect a bit, as was stated earlier, about the profound contributions that Justice Ruth Bader Ginsburg had on the jurisprudence of

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our wonderful country. She did so much for the legal system and for the jurisprudence of the country, of the nation. And for that we are all mournful, certainly on this very sad day that is focusing on her legacy, on her work and the tragedy of our country losing such a wonderful, wonderful scholar and contributor to us all. With regard to COVID emergency orders let me just tell you about the few of the most recent with regard to bar dues. We extend the state bar's due debt deadline from August 31st until October 31st in the hopes of helping lawyers be able to deal with some of the stuff that's difficult economically. The statutes of limitation deadlines that were to fall between March 13th and September 1st - that was extended to September 15. With regard to evictions - we have extended the pleading requirements and eviction cases until December 15. As you all know, an eviction case cannot go forward because in many times - because it's barred by federal law under the Carers Act or the CDC, which is broader in what is has barred. However, frequently tenants don't know about this law and the landlords do. So we have imposed a pleading requirement on the landlords to state that they don't know of any reason why the eviction can't go forward under the CARES Act or under the CDC broader order. We've also directed the JPs to provide information about the CDC order to tenants in the citation and we've made clear that they are allowed to question whether the tenant knows about these federal requirements in the CDC order. We are also working on a program on eviction diversions to help landlords and tenants through federal moneys. This should help both sides of the equation in terms of helping the tenants pay the rent and the landlords receive the rent. The governor - we've been working with the governor on this - he should make an announcement on this very shortly, hopefully this afternoon. With regard to the bar exam we've had to shift gears, as you all know that. Unfortunately, weeks before the July bar exam there was a huge surge in COVID cases - exam sites were canceling, etc. and so we postponed that exam. We then offered the examinees two options - an in-person exam, which did occur on September 9th, and an online exam which will occur in October. For the in-person exam, the Hilton hotel chain was wonderful in working with the Board of Law Examiners. Each examinee was assigned an individual hotel room to take their exam in. It worked out well. One of my clerks to examine said it was really, really better, he thought, than it would have been taking it the way that we all took it, because they all had individual rooms. It was completely private - of course with their own restroom there. Two day exam - they could spend the night there at no cost to them. There were proctors - and thankfully we had a lot of proctors. The doors, of course, had to be kept open in the hotel rooms and proctors walked in and out to make sure that nobody was cheating. It seems to have worked very, very well for everyone. The online bar exam, as I said, is moving forward for October. There is about 30,000 examinees who signed up nationwide. I'm not sure what those numbers are here in Texas, but I can get those numbers. With regard to general emergency order - we've extended that general emergency order that allows individual judges to suspend and modify procedures, and requires those judges to take protective action to make sure that people are kept as safe as possible. We've also addressed the path forward for jury trials. Since March we've had 18 test jury trials - the jury trials that OCA has approved - about half were canceled however, for various reasons. Although we've had quite a few problems we are marching forward. You might have seen that OCA issued a report at the end of August recommending that path forward and I commend that report to you. The court adopted those OCA recommendation. So effective October 1st in-person jury trials. Justice courts and municipal courts are prohibited from conducting in-person jury trials until December 1st. The 1,500 cases that are usually tried in justice courts and county courts dealing with these must be tried virtually and like I said, they cannot be in person. So we'll see how that works. With regard to district and county courts, they may move that forward with in-person proceedings, but only if they satisfy a list of requirements which include - their local administrative judge

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must have submitted a plan to OCA that's been approved. Their local administrative judge and regional presiding judge must approve the trials. It's note that part will no longer go through OCA because it was such a burden on OCA - and David Slayton, who's done a miraculous job during this very stressful period of time. The local administrative judge must consult with local health authorities within five days of the trial to make sure that the conditions are safe to proceed for everybody who's involved in the proceeding. And the court must consider any objections to proceedings on the record and must establish protocols for ensuring that no participants have received, recently had or been exposed to COVID. With regard to virtual jury trials, under the court's order they are permitted in all OCA courts, and OCA will issue detailed guidance on how to - for those to be conducted. The order does specify that for criminal cases where confinement in jail or prison is a potential punishment consent must be obtained from both the defendant and the prosecutor. But for other cases the court must consider objections to the proceedings on the record, but consent is not required. And the reason that we did not require consent is because it would virtually have done away with jury trials if there was a party who wanted to maintain the status quo and they simply could have refused to consent. So we have not required that. With regard to the rules amendments back in June we gave final approval - approval to the rules requiring citation by publication on the OCA website. In response to Senate Bill 891 we approved amendments to Rule 106 to clarify that service of the citation by social media and other technologies are permissive forms of substituted service provided that the evidence shows that they're reasonably calculated to give notice. With regard to expedited actions we've amended Rule 169 and some of the discovery rules to address expedited actions - the changes can be grouped into several categories. The first, we increase the threshold from 100,000 to 250,000 plus change what's included in those amounts and make the expedited actions process and level one discovery applicable to those cases over 250. The second main change is that we increase the number of oral deposition hours in level one from six to 10 hours to 20 hours based upon feedback that we had received. We did not make any changes to the paper discovery limits in the level one because of the third main change, which requires mandated disclosure in lieu of the current request for disclosure - there are initial disclosures specific to divorce and custody that we've changed. So I encourage you to take a look at those and provide feedback because we're still in the comment period. In divorce cases the proposed rules call for initial disclosure of documents pertaining to real estate, retirement plans and insurance plans, and the most recent account statements of the parties. In custody the proposed rules call for initial disclosure of medical or health insurance policies that would be available for the child - or spouse income tax returns for the previous two years and the two most recent payroll check stubs. These will take effect January 1st, but we are accepting public comment until December 1st. With regard to the protective order registry we are delaying operational date on that to, let's see - the registry was supposed to be established June 1st and operational September 1st, that because of the challenges due to the pandemic and the ransomware attack we, the Judicial Council, extended the June 1st deadline to September 1st. And the court has moved the September 1st operational deadline to October 5th date. With regard to the racial unjust that we are dealing with in our society today, as Robert Crain so eloquently stated in his beautiful invocation earlier this morning, our United States Constitution did not treat everyone equally under the law. This has huge ramifications that affect us all today. We must examine ways in which the effects are real and can be dealt with in a way that's proper. The court is committed to address these issues with diligence and care. And with regard to access to justice this is a huge priority for the court and has been for many years. The wonderful Justice Deborah Hankinson really brought this to the court's attention and made it a priority many, many years ago. I want to, on

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behalf of the court, thank Dick Tate for his tireless efforts to help those in need with regard to this issue. As Martin Luther King so eloquently said, if justice is denied to one person, it's denied to all of us. Justice Debra Hankinson has large shoes to fill, but I can think of no one who is more up to the task than Justice Hankinson. She's committed. She's passionate. And I said she is the one who was largely behind the beginning of this movement many, many years ago. And the entire court is indebted to her for that commitment and that service. So, again, thank you all to everyone. We are dealing with the challenge of a lifetime. And the court is so grateful for all that every one of you are doing, staff, volunteers, leadership to get us through this very, very difficult year. Thank you so much.

CHARLIE GINN: Thank you Justice Lehrmann for the report and the updates - and for your leadership and for the Supreme Court's leadership during this time. We appreciate you very much. Thank you for your service. Director Goldsberry are you on our call? I know we had to get you on a phone call. You with us?

SHARI GOLDSBERRY: I am. I'm on the phone. Thank you so much.

CHARLIE GINN: You bet. It's all yours Shari.

SHARI GOLDSBERRY: All right. Thank you. I want to thank everyone that participated in our retreat this year. Our consultant, Elizabeth Derrico is going through all of the information that we were providing to her over that week. And we should have a plan drafted and ready for the board to look at in January. Thank you.

CHARLIE GINN: Thank you, Shari and for your team - and we're looking forward to getting that report in January. So with that, we'll move to item No. 8 report from the chair of the board. You've already been introduced to Dr. Maria Hernandez Ferrier. I wanted to tell you a few things about her. She is the founding president and president emeritus of Texas A&M University, San Antonio. She served as the director general of Mexico relations for the Texas A&M University system. Before her career with A&M she held a number of national education appointments. In 1990 President George H.W. Bush appointed her as the Department of Education's director of bilingual education and in 1992 appointed her to the Commission of Nation and Community Service. In 2002 President George W. Bush appointed Dr. Ferrier as assistant deputy secretary for the Office of English Language Acquisition. She is the founder of the San Antonio Chapter of City Year - the national service organization that became the model for AmeriCorps. Dr. Ferrier has been the recipient of numerous awards and honors. She holds a Bachelor of Arts in speech and a master's of education in guidance and counseling from Our Lady of the Lake University. Her doctorate is in educational administration from Texas A&M University College Station. Once again, Dr. Ferrier, welcome to the board. We are grateful you're here. We're excited to have you. And we look forward to your leadership with us. So we had a couple of things to discuss in my report. I want to try to be as efficient as possible. I appreciate your time. The first thing that I want to talk to you about is director outreach. Our board one of our responsibilities is showing Texas lawyers and illustrating to Texas lawyers the benefits of being a part of our state bar, how to maximize their state bar membership. We're going to continue that effort this year. But because of COVID-19, stop me if you've heard this before, but things are different. Normally we have a map that is put up on the screen. And when our directors will give a talk or show benefit to the lawyers about what we're doing, we will highlight that section to show we have reached our district. I'm not going to do that this year. I know it's difficult to attend in person CLEs. I know some are popping up, but I understand that's difficult. We are not going to use the map this year. It is my hope that we go back to doing it next year. However, you can do this virtually, right? We are going to send fall messages and a spring message to members of your

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districts with updates on state bar programs and services. The communications staff will be in touch with instructions for these meetings after the September and January board meetings. The communication materials that I'm talking about are available in the 2021 communications work room in Board Effect. You've heard me say this before, but directors, Board Effect is your playbook. Please get familiar with it and use it. Also in the board portal are two PowerPoint presentations that you can give to local and specialty bars and organizations in your district. One is 30 Benefits In 30 Minutes. That's accredited for the half hour of MCLE credit, which includes that half hour of the ethics. And the second one is Maximize Your State Bar membership, which is accredited for one hour of MCLE including .75 ethics hours. Those ethics hours are always tough to get for a lot of us. This is a great opportunity to show our districts, to show our lawyers the great services that the bar is doing. Understand that if you don't have contact information for your local bars, we have provided to you in your materials through board portal, a local bar roster. We've provided a variety of handouts that can be shared when you present at these local bars, whether that's in present - or at present or virtual. But it's important that when you do this, when you set up your talks, that you let the communications team know in advance so they make sure they have all the materials that you need in order to give that effective presentation. This is a great opportunity to show Texas lawyers that there are benefits. Let's take it. If we go to the annual reports, also available on Board Effect, there's copies of the volunteer and staff guide and the new annual report of the state bar and the Commission for Lawyer Discipline. The state bar annual report focuses on COVID-19 relief efforts and the expansion of our member benefits program. Please take some time after the meeting, if you haven't already done that, to read through these reports. You should have gotten them in the mail. I did earlier this week. There's great work being done by Texas lawyers. I would really encourage you to read it. And then finally, Board Effect. Please stay active on Board Effect. It is imperative that because we are doing all this virtually, this is our workroom. These are our stations. Please stay active. This is used for a lot of different things - board and committee meeting, notifications, scheduling, meeting books to access the materials for the board meetings, surveys and polls. We're going to use Board Effect here in just a few minutes in our election for the State Judicial Conduct Commission. If you're not logged in to Board Effect right now, go ahead and get logged in on that second screen so you're familiar with it, but understand, it's important. I cannot stress to you enough how Board Effect, how important Board Effect is for this year. It's our playbook. If you've got a problem with your log in or you can't locate an item, you're always free to reach out to Chelsea and Jennifer. Do not call the Board Effect help desk. All right. They are just going to tell you to call Jennifer in Chelsea. Jennifer and Chelsea are great at Board Effect. They can help you. They help me daily. If I haven't said it enough, our staff here at the state bar is incredible. Use them. They're great, especially with Board Effect. The main reason that we use Board Effect is it's a one stop shop for information. You've got resource libraries, you've got public comments, you've got just about anything that you could need as a director on this board is on that Board Effect. It's a one stop place. So understand that and understand that we're using Board Effect from state bar members and members of the public as a gathering station for their for their emails, for their letters, for their comments. We are still getting comments. If you can see there. It talks about the public comments. Click for additional member and public comments received. That's where you go and read them. That's there. We owe it to those members of the public and to members of our board and bar to listen to what they have to say. Last year, I think immediate past chair Jerry Alexander said this better than I could. Normally, this meeting would be our first meeting of the year. We've already had two. So I know you're already sick of hearing me talk, but this is our first scheduled called meeting and chair Alexander said that - leave it to the bar

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to have our first meeting where we're already picking the leadership for next year. So I am soliciting folks and directors that want to put their name in the hat for the chair. The board policy states that a second-year director who desires to be nominated for the position of chair shall notify the chair in writing before the second quarterly board meeting of his or her intention to seek that position the following organizational year. Those interested should include a written statement that they believe would be informative to the board and its selection of the chair. If you are a second-year director interested in serving as chair next year, please send the letter of intent and your statement to me by Friday, December 11th. Do not wait until December the 8th to try to start writing your statement. It seems like a long way off. I will tell you from experience, don't wait that long to send it in because something will pop up. You'll have a hearing, you'll have a deposition, you'll have a family emergency. Get it out there. Get it to me. All right - if you need help with what that looks like, call me, call Jennifer, call Chelsea. We'll get you the resources that we need. Several of you have talked to me about that. We have a great group of second-year directors. However we go is going to be fine. If you do have questions, I hope you have found me to be available to answer those. Please reach out to me. OK, we're looking forward to that. What will happen is you'll give your speech, for lack of a better word, at the January meeting. The board will already have received your letter of intent. Then we will vote at the April board meeting. I have two things I want to talk to you about. One is board meetings, future board meetings. They are already scheduled. They're on the calendar. They've been on the calendar. Our directors, I know each and every one of you knows this, but I need to say it. It is a privilege to serve on this board. You sought election or appointment, and our rules state that if you have two unexcused absences in a row or four total absences in your term, you may be replaced or may be asked to step down. I don't want to see that happen. Please make being at these meetings a priority. I know the time that each and every one of you have already spent this year. This is our third meeting now since July. It is our second meeting in I think two or three weeks. I know the efforts you've been putting in, but please make an effort to be here. Our board, our bar and the members of the public deserve that. Finally, I want to talk about our communication with the public, and our communication with each other and our communication with other lawyers. We lost Chief Justice Ginsburg, Ruth Bader Ginsburg last week. And whether you agreed with her ideology, her interpretation of the Constitution, her political views, her dissents or her opinions, I don't think that it can be argued that she left an incredible legacy as a justice of our Supreme Court. And a friend of mine, Morgan McPheeters sent me some words and - about Chief Justice, excuse me, Justice Ruth Bader Ginsburg. And I wanted to share them with you. And I think that if we adopted these words and if we listen to these words, I hope that we can begin a process of healing. The last three months have not been easy. This has not been an easy time for our bar. We are not always going to agree with each other. We're lawyers. Our entire purpose as lawyers is to protect our client's interests and the majority of that time it is spent fighting, fighting on behalf of our clients. That's a good thing. We enjoy self governance. Our lawyers in our state, one of the most important things we can do as a bar is protect our right to self govern. We fight for that. We fight for our clients and we're going to fight with each other. But I'm calling our directors to do so with civility. Whether that be in these meetings, whether that be in person, whether that be online and social media, to do so with civility. I'm not talking about the content of your speech, I'm not talking about the ideas that you wish to push, but I am asking you to show our bar, and show our public and show our leaders that we want to heal. Justice Ruth Bader Ginsburg said that reacting in anger or annoyance will not advance one's ability to persuade. To fight for the things that you care about, but to do it in a way that will lead others to join you. Real change, enduring change happens one step at a time. She says so often

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in life, things that you regard as impediment turn out to be great, good fortune. We've got a lot of impediments this year. We've had COVID. We've had infighting. We have an opportunity, though, to turn this into great fortune, to show Texas lawyers, to show members of the public that we are the leaders that we claim to be, to show that the state bar benefits its members and the public. I am calling our directors to be the examples of the leaders I know, personally, them to be and to do so with civility. Disagree. But let's do it the right way. I appreciate you allowing me that moment, and I promise I won't preach to you anymore. With that, are there any comments from the board about my report? I'll look on the hand raising and let's see. Turn that on. I see two. Director Smith, floor is yours. Oh, before you go, Jason, I'm sorry. Let me just say that, as always, I'm not going to limit anyone's speech in time unless it becomes abusive in content or time. I ask that you direct all comments to me, and no cross fighting and that we let all folks that want all directors that want to speak the chance to speak before you come back and speak again. Director Smith, the floor is yours.

JASON SMITH: Thank you, Mr. Chair, this - I appreciate your comments about Justice Ginsburg's professionalism and how she treated others with respect. And I think we all can learn from her relationship with Justice Scalia, with whom she certainly did not share the same view of the Constitution on most issues. But they had such a close personal relationship that it really is a great example of professionalism where lawyers can be zealous for the positions they hold but they can treat one another with respect. And I'm going to recommit myself to that and I appreciate your comments in that regard.

CHARLIE GINN: Thank you, Jason. And I agree with you. I think that friendship and that relationship was a great illustration of what that looks like. Director Steve Fischer, you have the floor.

STEVE FISCHER: Good morning. First, technically, spectrum in my neighborhood of El Paso is out till about noon your time, and I was here, and present and I just faded out. I don't know if Sylvia or Andy - they live in those fancy neighborhoods - whether they have their spectrum or their Internet. About the outreach, I mean, that sounds great, Charlie. But I'd like to put some teeth in that. What happens is I'm sure many directors get invitations to speak all over the state. I've done about four or five free CLEs in different places. What I would like to enhance that is just have a policy with the CLE committee or the CLE people - Sprouter - that when a director speaks at someplace, that they don't have to go through all the paperwork. And, you know, the organizational call meet, the federal bar, will you speak, you know? And they have - a lot of them don't have all the mechanisms for CLE and there's fees. So that should be waived so that our - I agree with you. Our directors should get out and talk to people. So if we can have that policy to make as little paperwork as possible whenever a director speaks to any bar or organization, that would really help. Otherwise, it's just words. Thanks.

CHARLIE GINN: Thank you director Fischer.

STEVE FISCHER: Oh, about the board vote because - unless unless my Internet gets on, I can't access my board packet. I'm using a hotspot, so I'm not...

CHARLIE GINN: Well, let's hope your Internet works director Fisher. Director Hurst, you have the floor, sir. Hey, Michael, your muted, my friend.

MICHAEL HURST: Thank you. Mr. Chair, first off, I'd like to say that your remarks were spot on and the comment that I was going to make actually was stolen from me by Jason Smith. I thought the relationship between Justice Ginsburg and Justice Scalia is, in fact, a model of the behavior that we, as

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lawyers, should be following. And I thought that was crazy that he came up with that. In a time of partisan politics, and hatred and dissent, I think that we, as lawyers - we, as leaders, in the bar association need to do exactly what was just stated. And that is we need to set the example of professionalism, civility. We need to be the role models, not only for the lawyers in our state, but also for the citizens and other leadership in the state. I'd also like to point out one other thing and that is, in this time of COVID - in this time of frequent shelter-in-place, many, many, many people in general and many people from our profession are suffering from depression, mental illness, loneliness and things like that. And I think it's important and incumbent upon us to reach out, to stay connected and to make sure that we watch out for our own, as well as members of our community. Thank you very much for the beautiful words Texas treasurer, and I'm looking forward to the rest of this meeting.

CHARLIE GINN: We're going to have to put a stop to that. I don't know if I need to pass a resolution. That's going to need to stop. So just let the record reflect, in a world where nicknames take off, that does not need to be one director. Director Cardenas, the floor is yours.

CARLOS CARDENAS: Thank you, Mr. Chairman. Mine is more a question than a comment. I think the fact that we have members of the public, including our own lawyers, come to speak to us is great. It shows that they're interested in our work and our bar. And speaking of civility, I think part of civility is respect. And I ask this question only because this is my first year and I don't know what the process is. But do we actually respond to them after they've spoken to us, either in letter form, thanking them or some other matter to show that we've not just heard them but we've listened to them, we've passed their thoughts or comments on to a committee or somebody to study, and then get back to them so that they know that we are listening and that we're here for them.

CHARLIE GINN: Director Cardenas, I think that's a very appropriate thing to do. If a member of the public or the board - or the bar - I keep saying board - a member of the bar or the public reaches out to you with a comment, I certainly - I would think it's more than appropriate to tell them yes, thank you so much for your comments, I will read these, I'll get these to the appropriate member. And if you ever have a question about that, Lowell Brown in our communications department, John Sirman, Chelsea, Jennifer, Talin, Ray, Trey, anybody would be happy to walk you through that here at the office. Call me. I'll get you in touch with whoever I need to. I certainly don't have all the answers but that's where I would start. I hope that answers your question.

CARLOS CARDENAS: It does. Thank you and thank you for your leadership.

CHARLIE GINN: Thank you, sir. All right. I need to go back and make sure we get our consent agenda taken care of. So I need a motion in a second to approve the items on the consent agenda. Any director who wishes to second, please ask to unmute and state your name. Do we have a motion?

KATE BIHM: I move.

CHARLIE GINN: Director Bihm makes a motion. Do we have a second?

LUCY FORBES: I'll second.

UNIDENTIFIED PERSON #1: I'll second.

CHARLIE GINN: Who was that that seconded? I'm sorry.

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LUCY FORBES: I said it but I think someone else did, too.

CHARLIE GINN: Director Forbes is our second. Thank you very much. All of those directors in favor, please respond by saying aye.

UNIDENTIFIED PERSON #2: Aye.

UNIDENTIFIED PERSON #3: Aye.

UNIDENTIFIED PERSON #4: Aye.

UNIDENTIFIED PERSON #5: Aye.

UNIDENTIFIED PERSON #6: Aye.

UNIDENTIFIED PERSON #7: Aye.

CHARLIE GINN: Any opposed? Hearing none, the consent agenda does pass. With that, it is 10:27. We are going to move to the next item in the agenda but we're going to take a quick break first. Why don't we take a five-minute break and, you know, let's just say 10:35. So 10:35, we'll be back. Directors, please do not shut off your computer's. Mute yourself, shut your camera off. It is 10:27, we'll be back at 10:35. Thank you very much. All right. Welcome back. It is 10:35 and we're going to call the meeting back to order. As before, if any director wishes to speak on any matter, please use the raise-your-hand function, which is on the participation button. With that, we're going to proceed to item number nine - the report from the executive director, Mr. Trey Appfel.

TREY APFFEL: Thank you, Mr. Chair. Good morning board members and members of the public. I want to give you an update on state bar developments and operations. Beginning first with a general COVID-19 update, we remain fully operational. Our staff and - our staff continues to work remotely from home. We continue to maintain our COVID-19 webpage at [TexasBar.com/coronavirus](https://www.texasbar.com/coronavirus) as a hub of useful information and resources - including Texas Supreme Court emergency orders, as mentioned by Justice Lehrmann, and also guidance from the Office of Court Administration. We understand how COVID has impacted many lawyers financially, as well, and at the request of our own state bar membership department, the Supreme Court extended the deadline for payment of membership fees without penalty by two months to October 31, 2020, as Justice Lehrmann reported. We also understand that the pandemic has made it difficult for some attorneys to complete their MCLE requirements on time. And in response to that, our MCLE department has granted several extensions to our attorneys, beginning with attorneys who had compliance dates going all the way back to November of 2019. The current compliance deadlines are available on our coronavirus webpage. Due to the ongoing spread of the coronavirus in Texas, TexasBarCLE has been converting all live seminars to webcasts since April. So far this fiscal year, we've provided 38 virtual conferences in place of live seminars, and this includes multiday and multitracked advanced courses. We've also heard feedback from our member lawyers relative to the cost of CLE in light of our moving to a webcast format. And I want to report that we have reduced prices for virtual programs by \$50 to \$200 below the price of the program had it been held in person. Even though these virtual programs do not require hotel and travel costs, they are still very labor intensive to produce, particularly when done in a way that maintains the usual high quality standards of TexasBarCLE. And I want to thank our TexasBarCLE team, beginning with Hetty Bauer, including Mary Volk, Pam Gilley, Virginia Izaguirre, and Paul Burks and the entire CLE staff and team for

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their work and responsiveness to this issue. We are sensitive, also, to the fact that paying for CLE can be a challenge, especially during these uncertain times. In order to ensure that lawyers just beginning their careers have access to quality programs that we provide, we offer new lawyers a 50% discount off regular price of seminars. And lawyers aged 70 or older receive reduced prices through our Flash CLE programs. We also provide free online classes and webcasts to our legal aid attorneys and attorneys providing pro bono services through legal access division programs. And I think you saw, from Dick Tate's comments earlier this morning the passion that he showed for our legal aid, legal access efforts. All of that is very important to providing those resources to our legal aid lawyers. In addition, for any lawyer still struggling financially and unable to cover the cost of a CLE program, we have our scholarship program in place. And to qualify for the scholarships, all you have to do is ask. So please take advantage of that if you feel the need. It's important, also, to understand and appreciate the fact that the state bar of Texas relies on revenue from TexasBarCLE to meet our financial targets and objectives. Course registrations and product sales are expected to generate sufficient funds not only to cover the expenses and overhead of TexasBarCLE but also to contribute to the state bar's general fund to support programs and services that directly benefit our members. And revenues from CLE also have helped to prolong the time between dues increases - noting that the last dues increase was almost 30 years ago. This has resulted, also, in Texas lawyers paying the lowest dues of any large-integrated bar in the country, so please be mindful of that. I want to bring you up to date on our Texas Bar Practice Member Services Benefit. Beginning in October, the state bar is launching a new member service, and it's the new law practice management website. And it's designed to help lawyers both do well and be well. The Texas Bar Practice website combines resources and functions that previously existed on the Texas Bar books and state bar websites, while also adding new resources and a focus on lawyer well-being. You can access the website at [TexasBarPractice.com](http://TexasBarPractice.com) or through the state bar website. On [TexasBarPractice.com](http://TexasBarPractice.com), lawyers can explore a very robust collection of free management content produced by experienced attorneys. The website also offers articles, videos, forms and tips on topics such as starting a practice, rolling a practice and law practice technology. Visitors to the sites can also shop for practice manuals, jury charges, desk books and reference guides. And then lawyers can subscribe to the online practice manuals and access their library of subscriptions through their account on the site. Law firms have the option of creating their own accounts for their own organization that will allow their firm to manage their accounts and the resources used by their legal staff. This project is part of our continuing mission to support the administration of the legal system and enable Texas lawyers to better serve their clients. So I hope you will take the time and opportunity to visit [TexasBarPractice.com](http://TexasBarPractice.com) and let us know what you think. I want to give you an update on our TOJI program, or our Texas Opportunity and Justice Incubator. We are sad to announce that our TOJI director Anne-Marie Rábago will be leaving the state bar in the next few months to pursue other projects. We're going to miss Anne-Marie and we'd like to take a few minutes to recognize her accomplishment in launching the Texas Opportunity and Justice Incubator. She joined the state bar on October 31, 2016 as TOJI's first director. When she was hired, the Texas Opportunity and Justice Incubator was little more than a name and an idea. She was tasked with launching the program by April 2017 - six short months from the date she was hired. TOJI launched in April 2017 in Austin with an initial cohort of 10 lawyers. In September of 2017, a second cohort of 10 lawyers joined. With the addition of the third cohort in March 2018, TOJI became the largest legal incubator in the nation. Here are the members of our first four cohorts. Many of these lawyers either moved to Austin or commuted long distances to Austin to participate. And then in 2019, TOJI became a virtual program, able to admit lawyers from all across the state. In addition to expanding the program

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statewide, this transition also, as fate would have it, prepared the program to thrive during the unexpected COVID-19 pandemic. So pictured here are TOJI's first virtual participants from all across the state. As a virtual program, TOJI is able to welcome lawyers from across Texas, and TOJI participants serve clients in almost one half of our Texas, 254 counties. While most TOJI participants come from the millennial generation, as is shown on the current slide, that's not the only generation served. While some are new to the practice of law, many are more experienced lawyers who are interested in launching a practice and in refocusing their careers to serve modest-means clients. The TOJI program encourages diversity and inclusion. And in addition to a diverse racial and ethnic representation, 5% of total lawyers are foreign trained and 11% are U.S. military veterans. TOJI, as you know, picks up where most legal aid leaves off and spans the modest income space of up to 400% of the federal poverty guideline. As of May 2020, TOJI lawyers had represented almost 5,000 clients in 35 different areas of the law and has saved Texans almost \$3 million in legal fees. The Texas Opportunity and Justice Incubator has grown into the largest and most ambitious legal incubator in the nation. This effort ties directly in with the mission of the state bar of Texas to assure all citizens equal access to justice and enable our members to better serve their clients. Another mission-driven program, in short, and it is a program that all Texas lawyers can be proud of. We'd like to thank Anne-Marie Rábago for her service to the state bar of Texas and for her dedication to closing the justice gap for modest-means Texans. And we wish her well moving forward, and Anne-Marie has just been a pleasure to work with and we're going to miss her greatly I can promise you. I want to talk to you about our staff excellence awards. I want to recognize two very special people. The first is Ophelia Soto. Ophelia is an essential part of the state bar's accounting team. And due to a promotion of one position and a retirement of another, over the past three years Ophelia - who supervises the cashier and accounting specialist two positions - has interviewed and trained two new accounting specialists and a new cashier in addition to other temporary employees. She chose well, obviously, because her new accounting specialist, too, was promoted within a year in part due to Ophelia's excellent training. However, this required Ophelia to, once again, take on extra work. In spite of a heavy workload and extra hours, when Ophelia hired her current team, she refused to rush their training in any way - training made even more difficult because of the current off-site working situation. She has done this without complaint. Her work has continued to be done at an excellent level of accuracy, and her demeanor has continued to be extremely professional and helpful. Although she never seeks recognition for herself, Ophelia more than has earned this award. She exemplifies the notion of doing what it takes to get the job done. We are grateful and the accounting department is fortunate to have Ophelia as a team leader. Thank you, Ophelia, for your commitment to excellence and congratulations. Next, is Zara Stanfield. Zara is a legal assistant for the Office of Chief Disciplinary Counsel who supports the Supreme Court's unauthorized practice of law committee. These meetings are long and they involve reports from dozens of members. With COVID-19, everything had to shift to a virtual format quickly. Co-workers report that Zara has become a technology expert in terms of running Zoom for the committee, making sure the votes are tallied through Zoom polling features and making sure documents are ready to pull up and be shared with everyone in the meeting. Not only does she organize and host committee meetings under the new format, she also has taken on the added responsibility of hosting and organizing investigatory hearings by Zoom for the UPLC's subcommittees. Zara demonstrates her knowledge of the rules and procedures when called upon, is professional and just shines in her role. The current committee chair Chris Lowman called Zara the glue that holds our organization together. Leland De La Garza, the committee's past chair, said, and I quote, ""Zara has been our one and only full-time employee. She has carried a heavy load and done so

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without any complaint, even as we piled on more and more responsibilities. She has always been available to us. I could not have found a better employee to handle the UPL committee's work." Thank you, Zara, for your commitment to excellence and congratulations on a job well done. And next, I'd like to give you a brief update on our Texas Lawyers Assistance Program. I recently received a letter from the trustees of the Sheeran-Crowley Memorial Trust expressing their gratitude to the state bar board for its commitment of \$225,000 to the trust. For those who don't know, the trust was created in 1995 to provide financial help to Texas attorneys, judges and law students who need treatment for substance use, depression and other mental health issues but lack the means to pay for the treatment. The trust is administered by volunteer trustees who are members of Texas Lawyers Concern for Lawyers, an organization that works closely with our Texas Lawyers Assistance Program of the State Bar of Texas. In the last six years, the trust has funded treatment for almost 400 Texas lawyers, law students and judges. Since the pandemic struck, the trust has given financial assistance to more than 100 lawyers impaired by chemical dependency or mental health disorders. Since 2011, the state bar of Texas has provided almost \$1 million to support the trust, which illustrates our commitment to helping Texas lawyers, judges and law students. The services of the trust are more critical now than ever because of these difficult times. The trustees assure us that the state bar's contribution will, and I quote, "save careers, save families and save lives." And from the state bar of Texas, I say that we are proud to support them in this important work, and I thank this board for their continued support. And with that, I'll next call on Chris Ritter for a report from our TLAP program. Chris?

CHRIS RITTER: Thank you so much. And I just want to say the Sheeran-Crowley trust is maybe the most important tool we have to help many people with mental health disorders, substance use disorders, to get the professional help they need. And I can't tell you - we process and administer that and help - work with that, and it means so much to us. We've helped more than ever. I can't tell you how many - this year, I can tell you, we've helped more attorneys and law students than ever with that trust. And I'm going to share my screen because I have a very brief PowerPoint. But I wanted to share some really, I think, very important news. This is something - this has been a really tough time, and I just wanted to share with you all - the State Bar of Texas has been so supportive of TLAP. As you might imagine, with this epidemic, with the isolation that we're experiencing, the kinds of calls that we've been getting have been even more extreme than normal with mental health and depression and even substance use increases that have happened. But I just wanted to say this has been a tough time for us all, even in the work. Our team - I'm so proud of - being isolated, we're missing out on our normal ability to process helping others. We're missing out on the support we get from each other just walking around the state bar. So this has been a unique time for self-care. I want to share some amazing things. And really, a lot of this isn't TLAP's fault, it's due to the help that the state bar executive team, Texas Bar CLE has given. One thing we've done recently in response to some suggestions from a couple of younger people and even a board member of ours, the committee member, we have added text messaging so that people can reach TLAP by texting us. There are a lot of attorneys and law students that prefer not to call. They feel like that's a difficult barrier to actually be that vulnerable. And we've - this is amazing as we've helped 173 attorneys since we've implemented that last November just through text messaging. That's a big deal. We've also been thriving, and I think some of the things we've changed since the pandemic started will be permanent. The use of Zoom, which we're sick of - everyone's sick of Zoom - but we're doing some really big programs on Zoom. And I just want to share - this gets me choked up. There's nothing more important to TLAP than suicide prevention. And since November of last year, over 15,000 attorneys, 15,113 attorneys as of this past week registered and watched What Lawyers Need To Know

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About Depression And Suicide. That's a Texas Bar CLE program that we were teamed up with. But that's such a big deal because the Air Force showed 20% reduction in suicide rates with this exact type of training. Practicing Law In The Shadow Covid-19 - TLAP had a part in that, a self-care part, but 18,326 attorneys were reached with that program, many of whom were solo practitioners. We've also done - and just to put this in perspective, we've done 27 other presentations in the past few months with - just in this quarter, not counting all the stuff above - 4,919 attorneys reached directly in those programs. And I just want to put this in perspective. For several years of my being at TLAP, six or eight thousand was a range annually for us getting to people, getting in person to people. So we're really improving our outreach. Our numbers were 20% higher in the past calendar year. This year, we're up even a little bit above what we were last year. Just to put this in perspective, I believe we're really doing well because Pennsylvania, during the pandemic, they were down 28% in their calls. Our increased outreach, I think, has kept us steady with our increase from last year. We've also really worked hard, recently, to improve our service. We're going to be working on this whole year. We've always worked on wanting to improve our services to minority populations. But after George Floyd, we took it upon us to try to listen to the African-American lawyers. We're having - October 8 - a meeting with Latino and Latina attorneys to hear what might be. And we're going to do the same with LGBTQ attorneys to hear what might help us help improve our service to those populations. And this surprised me to find out a while back TLAP did - this had been about a decade ago, but I see no reason for this to have changed - a study that showed 80% of the people that we help at TLAP are solo practitioners. And so we're also going to focus on how we can better serve solo practitioners. That leads me to what we have done during the pandemic. Our support page, you can find it at [tlaphelps.org](http://tlaphelps.org). But we've done a number, about 20 individual quarantine support programs. You can watch these at any time. They're on video recordings - Boot Camp for Being at Home, Crisis Fatigue, Handling Anxiety During the Coronavirus. These are just - these aren't are all of them, but these are most of the ones that we've done - they're all unique - with mental health professionals, along with our TLAP team doing these. We're very proud of the - we've - I'm so proud of the team. Eric Grigg, Shawna Storey-Lovin and myself are the three professionals. Erica is an attorney. I'm an attorney. Shawna is a therapist. And between the three of us, we have done enormous work. We also, and I'm going to share very quickly right now, have focused a lot on our own self-care because burnout for mental health work can be extreme, and for attorneys in general, burnout can also be very high. I am going to show you what the quarantine has done to us with mental health. This study shows that among 129 participants, 29% had PTSD symptoms from just being quarantined and 31% had symptoms of depression. Likewise, these other studies of - 24 studies showing quarantining develops mood anxiety and depressive disorders. A third of Americans have, in another study, reported a serious impact on their mental health. This isn't anything that we would be surprised by. But looking at the fact that attorneys are already handling so much anxiety, this isolation is dangerous to our mental health. Forty-six percent of attorneys in a study in 2015 of 13,000 attorneys responding, 46% admitted that they struggled with depression and this is before the pandemic. So I just want to say this is the most important thing we can do is try to share self-care strategies, how to get through the pandemic. I want to mention right now, just because I think even this board has - are made up of attorneys and could use - just to hear, just a moment - in three minutes, I'm going to share four healthy habits that have helped us get through some really difficult work. One is, and it's - we're zoomed out, but connecting and debriefing is really important. We're actually having meetings, if not weekly, every couple of weeks to just talk about what we're going through, what we're struggling with, the silver linings. Just to be able to talk about what's hard right now with someone is really important. First responders have to do

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debriefing all the time. But stay connected. Don't let the physical barriers be a social barrier. Another one is really important is learning to activate your parasympathetic nervous system after getting stressed out. So every morning, you're going to go in and check your email, or you're going to have a stressful hearing, or you're going to have some - you know, we all have something that stresses us out, usually to start our day off - opening the mail. And if you don't do something physical after being stressed, your nervous system stays where it's at. Activating your parasympathetic is getting out of the fight or flight sympathetic nervous system, and in order to do that we can do many things physical. One is breathing exercises. Look at this, in two weeks from the 90th percentile for anxiety - by the way, in law school we're in the 96th percentile - 90th percentile for anxiety, and 57th in two weeks just focusing on the breath. It's just like a light switch - you turn it off. There's many other things. Just walk around the block after a stressful phone call, or after a hearing, or any of these other things you can do to get back to your parasympathetic. If you don't turn it off, you're going to have chronic stress, and that's what's going to cause - can cause anxiety disorders, and it can result in the kind of stress exhaustion that can contribute to depression. Setting boundaries right now is really hard. I'm sitting, right now, 20 feet away from my six-year-old daughter who's in there on Zoom in school, and I'm in my dining room. And setting boundaries is hard right now. Here's a few suggestions with technology. Check your email a few times a day instead of - the average person is checking our iPhone a 150 times a day. So just check it early in the morning before noon, so that you don't constantly let it check you. Many of us have our notifications set that it just dings every time there's a new email. So you can be checked - we're averaging 122 emails a day, so you could be getting interrupted 120 times a day - do that. Limit your social media to 10 minutes per platform. This study shows if you limit it to 10 minutes per platform, you actually have no mental health effect in this study. So put a timer on it - you know, we're using our clock timers. Monitor your use by using Screen Time. Use Do Not Disturb. Turn off your notifications. It's actually really easy to do this. You can go to settings, and then you go to - just push the notifications button and it has all of your apps. Only leave on the notifications for the essential. And then don't charge your phone beside your bed. I'm going to stop now with this. This is a time where everything seems to be - attorneys are trained since law school to see the problems out there, to - you know, one of the skills we need is to see the risks by seeing what could go wrong. And when everything seems to be not going great in the world, it can be really - it can bleed - our skill of seeing all the problems can actually bleed over and affect our happiness. Gratitude practice is scientifically shown to offset that. If we can just think every day on the - when we start our day, think of three things - it takes less than a minute - that we're grateful. Three things that we're grateful to have in our lives. One study shows 25% increase in happiness. But it keeps our positive mind from atrophy. Gratitude practice is really important right now. I want to share a picture of the team I'm so proud of. This is our group. All of us have maintained wellness through this difficult time and have done a great job. If anybody needs anything, we're here. And I'm so glad, and I'm so honored to be able to share this. Thank you so much, Trey and everyone else, Texas Bar CLE for you helped us accomplish.

CHARLIE GINN: Thank you, Chris, for the work that you and your team do. It is an incredible resource. I know the state bar board of directors appreciates - we appreciate all that you do. Thank you for your report. With that, let's go to item No. 10. Justice Deborah Hankinson, are you with us?

DEBORAH G HANKINSON: I am with you.

CHARLIE GINN: All right. You've got the floor, ma'am.

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DEBORAH G HANKINSON: Thank you. I apologize for not being on camera, but my camera failed. A new one is on the way, but it did not arrive in time for me to have it to make this presentation to you. I would like to thank the board for inviting the foundation today to give a brief report on how the foundation is being creative during these difficult times of COVID and its consequences and the racial equity issues that we are all dealing with. I am pleased that the Supreme Court appointed me to become the new chair of the foundation. And I am pleased to be working with board members Joseph Barrientos, who will serve as our vice chair, Roland Johnson, who will serve as our treasurer, and Terry Tottenham, who will round out as the fourth member of our board executive committee. I would like to first publicly thank Dick Tate for his incredible years of service to the foundation and to providing access to justice to the people of Texas. We greatly appreciate that the board has recognized Dick today through a resolution. I am first pleased to report that the foundation's board, through years of thoughtful work and dedication to a diverse board, as of September 1, is made up of a majority of people of color. This is a big accomplishment, and we are extremely proud of this effort. It is an excellent board with a mix of diverse backgrounds and ideas. This could not have happened without the help of the State Bar of Texas and the Supreme Court. The state bar and the Supreme Court are who make our board appointments. And we appreciate how through the years you have listened to our thoughts and recommendations as we have worked toward achieving this goal. We would also like to thank the Hispanic issue section, its chair, Judge Villarreal, for hosting a fundraiser on Diez Y Seis, Law-teria, which highlighted Hispanic leaders and raised dollars to help those impacted by COVID-19. Thank you to state bar President-elect Sylvia Borunda Firth for being the host of this event. Thank you to the state bar board members who sponsored or donated. So far, \$40,000 has been raised. But let me assure you - you still have the opportunity to give. We would ask the state bar to please put the link - this link to this funding operation in chat. The need is huge. Also, many thanks to Justices Guzman and Busby, who participate. As you all already know, this has been a tough funding year. When interest rates first plummeted in March, our (unintelligible) revenue was devastated. We immediately lost a million dollars a month in revenue that we were counting on until the crash of the interest rates. The consensus is also that this will be a tough state budget year. We are pleased to report that the Supreme Court has taken the bold step of asking for more dollars, recognizing that more people have fallen into poverty. The newest report is that over three million Texans have filed for unemployment since the beginning of the pandemic. And we are hopeful that with the support of the Supreme Court and the state bar that the legislature will be responsive to our request. Finally, we would like to thank the Supreme Court for submitting a CARES Act request on behalf of the foundation. We expect official word to come soon. We would like to express our thanks and appreciation to Justice Guzman and Chief Justice Hecht, who championed this effort and the entire Supreme Court's support of that effort. With that, let me just say that the continuing support of the state bar of Texas to the work of the foundation is critical to our being able to deal with the issues that both COVID and the racial equity issues that have come to the forefront recently for our continuing being able to try to meet these challenges, we could not do so without the support of the state bar. So thank you for all that you do.

CHARLIE GINN: Thank you, Justice Hankinson for the work that you're doing. And we're excited about your leadership and for all that the Texas Access to Justice Foundation does. Thank you. We're looking forward to a great year. With that, we're going to move to item No. 11 - report from the president. We are going to take this a little out of order. We are going to start with item number H, which is our Judicial Conduct Commission. Here, in just a few minutes, Larry will give an overview of the State Commission on Judicial Conduct appointment process. If anyone wants to speak, you'll be told that you'll be giving

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two minutes per speaker. And the candidates for those will be introduced after Larry gives his introduction, and we will go from there. Mr. McDougal, the floor is yours.

LARRY MCDUGAL: Thank you, Mr. Chair. We'll move to action item number H. This is the election of appointee to the State Commission on Judicial Conduct. This is for an unexpired term. It's effective January 1 of 2021 through November 19 of 2025. This is the position that Steve Fischer currently holds. For those of who don't know, the state bar board appoints two members to the State Commission on Judicial Conduct. The other member is currently Ron Bunch. And I believe that he was appointed (unintelligible) this year. This vacancy that we currently have became available when director Steve Fischer resigned from the commission. The resignation letter from Director Fischer and our acceptance of that resignation as well as other reference materials are included on our board effect under agenda item No. 11 if you would care to read those. The Judicial Conduct Commission is a Texas state agency responsible for investigating allegations of judicial misconduct. The commission is made up of judges, public members, two practicing lawyers who are appointed by the state bar. An email was sent to the board on September 9 from Jennifer Reem describing the appointment and the process that we go through. The appointment process for the Judicial Conduct Commission is outlined in a 2017 Texas Supreme Court order. As required by that order, myself, the president and the chair, Charlie Ginn of the board, are to confer and nominate one or more qualified lawyers for that position. Charlie and I did confer. And I believe we both interviewed Clifton Robinson of - Roberson of Tyler. And he will be the nomination - person nominated by both the chair and the president. Just so you know, Mr. Roberson is an African American. In the makeup of the current commission, there is one other African American currently serving. So if Mr. Roberson is approved by this board, he will be the second. The Supreme Court order also allows board members to make additional nominations by notifying both myself and the chair in writing no later than 10 days before this meeting. Two additional candidates will receive consideration. Director Miller out of Corpus Christi nominated David Klein of Corpus Christi. And director Luis Cardenas nominated Ernest Aliseda of Edinburg. There are now a total of three nominees up for the position, and the board must choose which one of these candidates by a majority of the vote. So we have three candidates under consideration. That's going to be Ernest Aliseda, David Klein and Clifton Roberson. The resumes for these nominees are in the board packet. The appointee, again, will serve the unexpired term beginning January 1 and ending in 2025. Mr. Chair, at this time, I turn this back over to you to conduct the election.

CHARLIE GINN: So the way this will work - here in just a few minutes, we will have those that nominated the individuals introduce them and make whatever comments they see fit. After that, I do see some hands that are raised for those directors to speak out on behalf of the candidate of their choosing. Your comments will be limited to two minutes just in the interest of time for this. Their resumes have been posted. You will not hear from the candidates today. That is something that we, in the past, have not done and - will not be doing it again today. But we'll be hearing from those that either know or nominated them. We will go through the process of that - about the election after the comments of that. I am abstaining from the vote as chair. I'll vote in the event of a tie. But, otherwise, I'll be abstaining. And let me talk to you a little bit about Clifton Roberson. To do that, so I follow the rules, I'm going to yield the chair for a few minutes to immediate past chair, Mr. Jerry Alexander. Jerry, you with us?

JERRY ALEXANDER: Yes, sir. I am set to chair.

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CHARLIE GINN: All right. Mr. Chair, I'm here to talk to you about the nomination of Clifton Roberson that President McDougal and I nominated. When looking at this appointment, we looked at several things. When we talk about demographics, we do look at things like race and gender and age. But, also, when you look at demographics, you look at other areas as well - geography, size of law firm, practice of law. And in this case, Mr. Robertson is a qualified candidate for this position. He is a solo practitioner from Tyler, Texas. He practices criminal defense, and he is an exceptional lawyer. He has an incredible reputation. I have spoken with members of the Smith County Bar. I have spoken with people from Tyler, and they assure me that his reputation is without equal. He has been practicing for over 30 years inside of a courtroom. And so when we look at who we want to represent us on this commission, I am confident that he will do so with honor and with integrity. I do want our board to know - and I spoke with Mr. Roberson again last night about this. In 2013 - this is public record. And even a news article was posted about this. Mr. Roberson was held in contempt and arrested by a judge. The reasoning and rationale for that is explained in the article. But let me just tell you the circumstances of that. Mr. Roberson was making a criminal appearance on behalf of a client when he learned that a family member of his was on their deathbed in Tyler. Mr. Roberson notified the court that he would not be there. The court received notice of that. While he was at the hospital, the court called. My understanding from the article, it said, you need to be here in a few minutes. If you're not, we'll arrest you. Mr. Roberson stayed with his family member. And, ultimately, he was arrested. When I talked to Mr. Roberson last night, he said, listen, tell the board about it. I'm open about it. In fact, I'm now friends with that judge. And I said, Mr. Roberson, there could be a concern that maybe this could look like we were trying to nominate someone that has a vendetta against judges. And he said that is just not the case. Every interaction I've had with Mr. Roberson, he has proved himself to be a gentleman, to be a man of honor. And that has been seconded by those that practice both with him and against him. It is my opinion that he would make an exceptional candidate for this position. And I believe that President McDougal has joined with me in that opinion. I would tell you that I am not concerned about the altercation that he had with the judge. This is a position that a lawyer that has been prevalent in the courtroom for the last 30 years is very qualified for. He is the first African American assistant district attorney in Smith County. I practiced criminal law before I went into personal injury. And I will tell you that my understanding is Mr. Roberson has seen it all, done at all, is a gentleman and would make an exceptional, exceptional candidate for this position. With that, thank you, Mr. Chair Alexander. That's all I have unless Mr. McDougal has any other comments.

LARRY MCDOUGAL: No further comment.

JERRY ALEXANDER: I yield the chair back to you, Mr. Chair.

CHARLIE GINN: Thank you very much. With that, I'd like to turn it over to - let's see. Ms. Miller, are you on the call?

CARRA MILLER: Yes, Mr. Chairman.

CHARLIE GINN: All right. Would you like a few minutes to talk about your candidate?

CARRA MILLER: Yes, please. And thank you, Mr. Chair.

CHARLIE GINN: You got the floor.

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CARRA MILLER: Thank you. I have the privilege this morning of introducing Mr. David Klein as a candidate for appointment by this board to the State Commission on Judicial Conduct. Mr. Klein is a double Longhorn, graduating with a degree in finance and subsequently with the Juris Doctor from the University of Texas, he became licensed to practice law by the state of Texas in 1998. Mr. Klein is a lawyer in my district, District 11. Although his primary practice area is here in Nueces County, he's practiced in many counties in Texas and has practiced extensively in the counties in between Houston in the Valley. Relevantly, Mr. Klein is married to Judge Inna Klein, who presides over the 214th District Court of Nueces County, Texas. If elected by the board to be appointed to the State Commission on Judicial Conduct, Mr. Klein will bring that distinctive perspective to the commission. Mr. Klein is a solo practitioner. His experience in the practice of law is broad and uniquely varied. He has tried to verdict more than 45 jury trials regarding capital murder, murder, violent and sexual offenses and federal conspiracy cases. In addition to criminal law, Mr. Klein also has experience in the areas of family law, insurance defense, medical malpractice, personal injury, municipality defense and general civil litigation. Mr. Klein's experience also includes representing professionals accused of wrongdoing, including and importantly representing judges (inaudible) of judicial conduct. Because of Mr. Klein's comprehensive experience in geographic location and in practice area, over his 22 years of practice, he is an ideal candidate for this position. Further, because of his experience in representing clients before the State Commission on Judicial Conduct, Mr. Klein will be ready to hit the ground running in - with a minimal learning curve as to serving in this incredibly important capacity. I believe he will represent us well. Thank you, Mr. Chair.

CHARLIE GINN: Thank you, Director Miller. Luis Cardenas, are you with us?

LUIS CARDENAS: I am.

CHARLIE GINN: All right. Would you like a few minutes to talk about your nominee?

LUIS CARDENAS: Yes. Thank you, Mr. Chairman.

CHARLIE GINN: The floor is yours.

LUIS CARDENAS: Thank you. And members of the board, I nominated Ernest Aliseda because I really think he's an ideal candidate for this position for the Texas Commission on Judicial Conduct. I've known Ernie for a long time. I can attest that he is a genuinely good person, a good human being. And, professionally, Ernie brings, you know, a lot of integrity and character to the practice of law that he's been doing for several decades now. But, really, as it relates to this particular position, Ernie really brings vast, vast experience to this from his practice that would - I think would really benefit the commission if he were to serve. Ernie has served as a board of - as a regent on the University of Texas System Board of Regents. And in fact, he is happy to say that he's the first Aggie to ever be appointed to the UT Board of Regents. Ernie has served as a judge multiple times. He has served as a district court judge in two different courts. He has served as a municipal court judge, and interestingly, he's also been a trial judge on the U.S. Army - for the United States Army. And he has served in this capacity because for decades, Ernie's been - served in the U.S. Army Reserves and has done many - actually participated and been called into active duty multiple times during his decades of service in the U.S. Army Reserves, including service during Operation Enduring Freedom. And so he's actually been and served as a judge in so many different capacities, both state district court level, municipal court level, U.S. Army trial judge, so he just brings an incredible amount of background to the judicial commission and his potential

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service. Everywhere Ernie's served, he has been a person of service distinction, as you can tell if you were to look at his CV at his for his time in the military. He's been awarded Meritorious Service Medal, Commendation Medals, Army Achievement Medals, Reserve Achievement Medals, Global War on Terrorism Service Medals and National Defense Service Medals. So it's really an incredible career and service that Ernie has always been a part of, including service - prior service as a director on the state board of directors, on the Texas State Bar Board of Directors. He has been also awarded the Jim Bowmer Professional Service Award by the Texas Bar College. And so in every respect, this board can have full confidence that they are voting for a highly qualified person, that he will serve with honor, with integrity and, very importantly, that they are voting for a person with excellent, excellent judgment. Ernie always exercises good judgment, so a board member can know that with their vote for Ernie, that they will never regret that vote and they will never be second-guessed ascending Ernie into any capacity, including the Board of Judicial Conduct. So for these reasons, I nominate and I strongly recommend Ernie Aliseda for this position. Thank you, Mr. Chair.

CHARLIE GINN: Thank you. All right, so now we're going to move into the comments by the directors. You're going to be limited two minutes for comment, and unless there be a good reason, probably not repeat, come back around and repeat. So we'll just hear comments from everyone once. These comments should be directed about the candidates and their capacity to serve. In the past, we have had friendly-only comments. I'm not going to restrict it to that, so if you have something to say, say it. But I would ask you to do it in a respectful way. That said, we will start with Director Jason Smith.

JASON SMITH: I apologize. I had my hand raised for the previous discussion with Judge Hankinson.

CHARLIE GINN: Director Smith, I'm sorry that I didn't see that, and if you'd like, at the end of this conversation, we can swing back around to you.

JASON SMITH: I'm OK. I'm OK.

CHARLIE GINN: OK. All right. Thank you, Jason. Director David Calvillo.

DAVID CALVILLO: Yes. Thank you very much. I'm really very excited to be able to share with my fellow directors a little bit of insight into my longtime friend and former law partner Ernie Aliseda. This is a strong - the strongest recommendation that I can give I share with you today on behalf of Ernie. As you could hear from Luis Cardenas, his credentials, which, by the way, are at page 698 of our 1,045-page packet - I direct you to that. I think it speaks for itself. You can see, though, from those credentials, that he's not perfect. He's not perfect because he's an Aggie who served on the UT Board of Regents. But I think that that kind of - that's kind of - it reveals the content of this man's character. If I was starting a law firm today and I could choose one person to be my partner, to be there in the trenches, there are many of - you know, I'm privileged to have practiced law with a number of fine individuals, including the ones that I practice with now, but Ernie would certainly be in that list of two or three that I would give a call and say, let's go. Ernie is appropriately named. His full name is Ernest or Ernesto, and there's no better word that I can describe Ernie as saying he is earnest. Earnest and genuine are characteristics that everybody who meets Ernie knows that he exemplifies. As the only candidate with judicial experience of the three, I'm sure the other two are fine individuals, but Ernie is the only one with judicial experience. I would also point out that if you look at the roster of current members of the judicial conduct commission...

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: (ALARM RINGING)

CHARLIE GINN: Mr. Calvillo, please finish your thought.

DAVID CALVILLO: I will. He's the only one - of the members that are on the board at the moment, the furthest south - the person that is from the furthest south is from Kerrville. So if geographic diversity is important, if credentials and the content of character are important, then I would suggest that Ernie Aliseda is by far the best candidate. Thank you.

CHARLIE GINN: Thank you, Mr. Calvillo. Director Forbes, you have the floor. Your two minutes starts - are you - Lucy, you with us?

LUCY FORBES: (Inaudible).

CHARLIE GINN: All right, your two minutes starts now.

LUCY FORBES: Thank you. Thank you. OK, in the spirit of transparency and reform, I'll have to borrow from Justice Ginsburg. I have to dissent. I learned yesterday for the first time that the State Commission on Judicial Conduct candidates do not actually address the board at this meeting before the board votes. I'll be honest - I was appalled. We, as the State Bar, only get two positions, two guardians on this 13-member commission to serve six-year terms. Now, the vast majority of judges are exemplary, but there may be a handful that berate, humiliate, shame, belittle attorneys and parties on the basis of their gender, skin color, national origin, race, accent or for any other arbitrary reason untethered to the merits of their case. I challenge us as a board to question the systems in place - some are traditions since 1939 - and to ask, does it still serve our mission in 2020? There's nothing that prohibits a candidate from addressing the board. I checked Constitution, Government Act, Bar Act, bar rules, policy manual and the Supreme Court order of August of 2017. It actually requires the board to choose. I do not seek to delay the vote. I ask only for the opportunity to make a fully informed vote and for the candidates to feel they have been heard by the opportunity to address us.

CHARLIE GINN: Please finish your thought, Lucy.

LUCY FORBES: So I encourage that after the president, chair or director introduces these outstanding candidates, that we then hear from the candidate themselves. So that is my suggestion and challenge to us as the board to consider. Otherwise, I have no comment to the candidates themselves, and, as I say, I do not seek to delay any vote. I appreciate the time to express my suggestion. Thank you.

CHARLIE GINN: Thank you, Director Forbes. For the remainder of the speakers, I don't want this to become a discussion about the procedure. I want these comments to be about the candidates themselves for efficiency's sake. To address Ms. Forbes' comments, I think one of the reasons that we do not hear from the candidates is my belief is such that this is not a position that one should campaign for. This is one that's something that should be selected and nominated by others, and the resumes have been included in the packet for at least seven days. The chance to nominate others after the president and chair agreed on a nomination was, I believe, five days after that, and each director had an opportunity to nominate a person for this position - so just to address some of Ms. Forbes' comments on procedure, not commenting on whether or not she's correct or not. Director Naylor, you have the floor, sir.

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STEPHEN NAYLOR: Thank you, Chairman. Mine is not about them. I will need to ask a question of each person who nominated one of these people, and - forgive me - I need to ask Trey, Randy, Larry and any others in authority. We are having to replace a director who did not commit to serve his full term. I want to know if these people have committed to fill and serve the full term. It turns out at the last election that we turned down a very qualified person. We were not told that Director Fischer had no intention of serving out the full term. That's something that should have been told to the voting members of the board. I feel like in this time of lip service to transparency, especially by Mr. Fischer, that we were not told the truth. That might have very greatly impacted who we voted for if we had known that he had no intention. So I'm asking the chair, since we have to direct our comments to you, Chairman Ginn, to ask those that have nominated them, have they said they're going to serve the full term? And have any of these published reports that they do not intend to serve the full term? Because I was very highly offended that we were misled last time. I yield to you.

CHARLIE GINN: Thank you, Director Naylor, and I understand your concern and frustration. My understanding is that all three candidates have indicated their willingness to serve a full term. I have not spoken to all the candidates, but I have not heard anything to the contrary. And so at this point, unless Ms. Miller or Luis wants to indicate otherwise, I think that should answer your question. But I understand the frustration, and I appreciate the comments that you've made. Is there anything else, Director Naylor? OK, I see you shaking your head. Thank you, sir. Director Davis, the floor is yours.

CHRISTINA DAVIS: Thank you, Mr. Chair. I would like to take a minute today to speak in support of Mr. Clifton Roberson, who is an attorney in my district. But I don't want you to just hear my own words. So I have compiled statements provided to me by Mr. Roberson's colleagues. These are statements from judges he has and does appear before, prosecutors who have worked with him and against him and his fellow attorneys. I'll start with - I've known Clifton Roberson for more than 20 years. He has practiced as a prosecutor and a defense attorney his entire career. We have had cases where we oppose each other and cases where we have represented co-defendants. I appeared as a witness in an attorney disciplinary hearing when Clifton was on that panel. I have examined Clifton as writ counsel in post-conviction matters. Through all the years and all the circumstances, I have known Clifton to be honest, forthright, kind and fair. Clifton does not seek fame, notoriety or claim. He seeks what is fair, reasonable and just for his clients and for our profession. I recommend Clifton Roberson to serve on the State Commission on Judicial Conduct without hesitation. Clifton has served Smith County many years as a criminal attorney, both as a prosecutor and a defense attorney. While he represents private clients, he has represented indigent criminals for many years, always doing his best and trying his hardest to provide excellent representation. I have known Clifton for over 20 years, and he has always shown integrity, professionalism and courtesy to all parties involved in the judicial process. Clifton is a great advocate for his clients. The thing I most admire about Clifton, however, is his love for his family. He often speaks glowingly about his wife and children and is a dedicated husband and father. Clifton seems to have found the perfect balance of being excellent at his job and at home. Mr. Clifton Roberson has spent decades defending the constitutional rights of those less fortunate members of our community. He has worked countless hours to bring his experience and talents to make sure each of his clients receive the full measure of protection under the law and fairness in our courts. I am...

CHARLIE GINN: Thank you, Ms. Davis. You finish your thought, please.

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CHRISTINA DAVIS: Thank you, Mr. Chair. I could keep the board here all day with my comments praising Clifton's legal career and his character. I can summarize the rest of the statements I received to state that Clifton is well-respected, professional, dedicated to justice and, above all, kind, which I think after a long legal career is a virtue to be highly praised. The mission statement of the State Commission on Judicial Conduct includes in its aims, among other things, to protect the public and promote public confidence in the integrity, independence, competence and impartiality of the judiciary. It sounds like Clifton has been doing just that his entire career. Thank you.

CHARLIE GINN: Thank you, Director Davis. Director Fischer, you have the floor.

STEVE FISCHER: OK. I might need a little more than two minutes. First, in the...

CHARLIE GINN: Two minutes, please.

STEVE FISCHER: I need more. I'm sorry. In response to Mr. Naylor, I made it abundantly clear on Facebook and everywhere else that I was not going to serve six years. In fact, the other person for the position, Christy Anobi - I wrote her. I messaged her. I said, look, how about I do two years, and you do four years? I do three years. I would be 76, you know, years old in a six-year term. In addition, there's so much turnover. There was about six people who left just during the first six months. And I asked, you know, one of the members from Houston. I go why don't - why is everybody - nobody stays six years or four years or five years. And he goes...

CHARLIE GINN: Director Fischer, listen. I'll make you a deal. I'll make you a deal. I will let you go longer than two minutes after we get done discussing the candidates. But unless you have a comment about one of the candidates, we're going to move on to those discussions 'cause that's the purpose of this agenda.

STEVE FISCHER: Let me...

CHARLIE GINN: Do you have - hold on. Hold on. Do you have a comment about one of the candidates?

STEVE FISCHER: I have a comment about all the candidates. I'm not taking sides but just some things that people need to know and that the candidates need to know. And, of course, if I was invited to speak the last time, I would've solved Mr. Naylor's problem. But I don't mind waiting till the end. But I have...

CHARLIE GINN: All right. If you don't have a comment, if you do not have a comment about one of the candidates, we'll wait - hold it to end. Thanks very much.

STEVE FISCHER: Thanks.

CHARLIE GINN: Director Crain.

ROB CRAIN: Thank you, Mr. Chair. For the board members to know that - the commission is a 13-member body. We only appoint two of the 13. Six are appointed by the Supreme Court. From the current roster, five of those six spots have been filled. They've all been filled with judges or justices. The other five members are citizen members appointed by the governor. So there are only two that we appoint, and only two are lawyers. Mr. Fischer now having resigned, there's only one who's a lawyer. Mr. Roberson did not seek this position. I want that clear. Because of what's happened in the past, we wanted to make sure we got a qualified candidate and went to the four districts. There are only four districts we could go to with this open seat because of geography limitations. Mr. Roberson's colleagues

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are the ones who brought Mr. Roberson's name to the forefront. It is then Mr. Roberson being approached and agreeing and appreciating the weightiness of this position. There are only three nonwhite members of this current commission. The next two to roll off are two of those three nonwhite members. One of those is the only African American. Mr. Roberson would be the only African American going forward. He has diversity of demographics, diversity of practice area and diversity of geography. He is somebody that didn't come from one of us. It came from our members. I would strong - and this was a process. This was not somebody coming to us to say I want the job. This was not some group of directors going and finding somebody they wanted. It was our members who brought Mr. Roberson to us. All of these candidates are well qualified, but he is the...

CHARLIE GINN: Mr. Crain, please finish your thought.

ROB CRAIN: He is the only lawyer not formally a judge, not married to a judge. He will be one of only two attorney members. And that brings diversity as well. Thank you.

CHARLIE GINN: Thank you, Director Crain. Director Agosto. Benny, you're muted. As soon as you unmute and begin, your time will start. Yes, sir.

BENNY AGOSTO: Yes. Thank you. Thank you, Mr. Chair. I'm just going to briefly speak in behalf of Judge Ernie Aliseda because he is a judge and he fits the requirements of the different factors that we need to fill this position. I look up to Judge Aliseda because of his long history of judicial conduct, of being a judge, of being a bar leader and, more importantly, also representing our country in the military. He's a retired lieutenant colonel in the army. So what we look at in a person like this is, obviously, we have great candidates. And I'm not criticizing any candidate, but I'm speaking up for Judge Aliseda because - specifically because it's a person that I had looked up to and seen his track record. And he will bring the proper temperament from the judicial side to help us work in the State Commission on Judicial Conduct. So with that said, I strongly encourage our members to vote for him. And I yield back my time. Thank you, Mr. Chair.

CHARLIE GINN: Thank you, Director Agosto. Yolanda, Director Cortes Mares, are you with us?

YOLANDA CORTES MARES: I am. Thank you very much, Mr. Chair.

CHARLIE GINN: You have the floor.

YOLANDA CORTES MARES: I - basically, I don't have a comment in - with regards to any individual candidate that has been proposed. But I do have a general comment. And that is the commission is comprised of 13 members, two of which are women, only two. One of those women is a public member appointed by the governor. The other woman - and that's Ms. Ertz, Valerie Ertz. The other member, a Janis Holt, was also appointed by the governor. So my question is this. In the interest of diversity, in particular, gender diversity, were any women considered for this position by the board - or not by the board but, rather, by you, the chairman, and by the president of the state bar, Mr. McDonald?

CHARLIE GINN: Yolanda, I'll respond. I want to make sure you - any other questions I can hit them all at once. Do you have any other questions, Yolanda?

YOLANDA CORTES MARES: No.

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CHARLIE GINN: We considered several candidates. There were female attorneys included in that. There was a discussion. The opening for a director - or excuse me, for a position on this board was open to all directors to nominate. And I spoke to directors about nominating both male and female attorneys for this. And it was their choice to do that. When I looked at this position, it was important to me to try to get someone that checked all the boxes. I agree with you that - I think Judge Ruth Bader Ginsburg said anywhere decisions are being made, women should be there. And I agree with that. In this incident, they were considered. Our choice was to go with Mr. Roberson, again, because of looking at all the demographics. Practice size, what he - solo practitioner, where he was located, size of the firm. It's hard to hit every demographic with every single nominee, Yolanda. But I do agree with you, and I hear you. And my hope is the next time that we have a nomination for this, if not the chair and the president, other directors also nominate female attorneys to be considered. But I do agree with you, and I understand. I hope that answers your question.

YOLANDA CORTES MARES: Thank you. I hope that that is the case in the future and there are women considered. Thank you.

CHARLIE GINN: Thank you, ma'am. Director Baruch.

CHAD BARUCH: Thank you, Mr. Chair. Can you hear me? It seems to...

CHARLIE GINN: Yes, sir. We can.

CHAD BARUCH: OK, great. It seems to me we have three great candidates here and probably can't make a mistake with any of them. I practice in front of the commission fairly often. I represent judges there. And so I'm familiar with its work and have some unique concerns because of my work there and want to just spend 60 seconds telling you why I would support Ernie Aliseda for this. It's been my privilege over the past 15 years to work repeatedly with Ernie in various bar roles. When I was chair of the Bar College, he was on our board. I worked with him in connection with my first term on this board. And the two words that come to mind for me with Ernie are civility and judgment. I counted on him, repeatedly, over the years because of his exceptional judgment. And I'm talking about sound, measured, mature judgment. The second is civility. In the 15 or 20 years that I have known Ernie, I honestly don't know that I have ever heard him say an unkind word to or about anyone. And it seems to me in this particular environment at this particular time and given what's gone on at the commission over the past 12 to 18 months that the qualities of civility and sound judgment would be exceptionally helpful at the commission. And that's why I would urge everyone to support Ernie. Thank you, Mr. Chair.

CHARLIE GINN: Thank you, Director Baruch. Director Flores, immediate past president TYLA. Mr. Flores, the floor is yours.

VICTOR FLORES: Thank you, Mr. Chair. I want to start off by tying this into the three resolution recipients that President Larry McDougal honored today, three of which served in the United States military. Some were trial attorneys, and some were judges. But I believe their military service fortified the key principles of leadership, fairness, accountability and ethics. And I'll say that because of my own personal experiences in the United States Marine Corps. I say that because I believe, along with Martin Luther King, that the true measure of a person is not reflective where you stand in times of comfort but where you stand in times of trial and controversy. And I think that's what made those individuals special. Haven't developed those experiences - having developed and experienced the impacts of war and

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combat, I can attest that those experiences cement into one soul and spirit the unwavering adherence to honor, courage and commitment. And that's why I think Ernie Aliseda especially is made to serve as our appointee on the Commission of Judicial Conduct. You've heard he's a retired lieutenant colonel, judge for the U.S. Army, has served overseas in multiple deployments in service to this country. He's one of the most - he's one of the state's most well-regarded and experienced trial attorneys. Currently, he serves as the general counsel for one of the larger hospitals south of San Antonio, DHR. Luis has covered that very well. His experiences as a judge - a lot of you have heard his experience as a judge. But we haven't listened and really grasped his experience as a trial attorney. Similar to Mr. Roberson - having practiced the full array of areas of practice for about 28 years. Before DHR, he was a lawyer for the firm of Dykema Cox Smith.

CHARLIE GINN: Mr. Flores, please finish your thought.

VICTOR FLORES: Fred Loya Insurance, covering cases in Texas, New York, Mexico, across the state. I want to encourage this board to not just recommend anybody but just recommend our very best. And I believe Ernie Aliseda is that candidate. Thank you.

CHARLIE GINN: Thank you, Mr. Flores. Ms. Deborah Cordova, are you with us. Director Cordova?

DEBORAH CORDOVA: I am. Thank you, Mr. Chair. I echo everything that everyone that - has said on behalf of Judge Ernie Aliseda. I do want to add a few brief words. I've had the opportunity of working alongside with Judge Ernie Aliseda here in the Rio Grande Valley community, and he has a stellar reputation. Not only does he also have judicial experience but his credentials that Luis Cardenas mentioned and David Calvillo and everyone else exemplified that he is the best and most qualified candidate for this position. He's honest. He's committed. He's dedicated. And he's ethical and has been in every position that he has held and continues to hold. So I highly encourage the board to vote for Judge Ernie Aliseda. Thank you, Mr. Chair.

CHARLIE GINN: All right, I'm seeing - OK, Director Tolchin.

ANDREW TOLCHIN: Just a brief comment. The concept of appointing someone to this commission who represents attorneys, as it might be seen by third parties, is something that we should take to heart very seriously. If you are appointing people for a disciplinary panel, which many of our directors have to do, for a public member, if I'm not mistaken, we're told that the spouse cannot be an attorney. By the same token, when we tell our members that we've appointed someone to represent attorneys and we refer to them as honorable so-and-so, it - and to the judicial commission, there is the appearance that we've put a judge in and not an attorney. Those are all my comments, just the form of it. Thank you.

CHARLIE GINN: Thank you, Director Tolchin. I'm seeing no other hands regarding discussion about the candidates. Before we vote, Director Fischer, I'm going to let you have a few minutes to respond. I'm not going to limit you to the two minutes. I'm going to give you four minutes. But I would ask that the content does not become abusive in any way. That said, I will give you four minutes to speak. At the end of that four minutes, though, that will be your time. So your time to speak starts now. Thank you. Steve, you're muted, but I'll give you your seconds.

STEVE FISCHER: I just want to answer some of the questions about demographics. Yolanda said that there's not many - there's only two women on there now. She's correct, but there were about five just a few months ago. The governor removed two. One of them - the former chair resigned, and then Lee

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Gabriel, a justice, left before her term. So it wasn't intentional. We had a really big representation of women. As far as Spanish-speaking attorney members on there, I was only the second one since the group's inception in 1965. And the first one was in 2007 from Corpus. I think, you know, without taking sides 'cause they claim they speak Spanish perfectly - I don't know, and I don't know about the other one. It is helpful to have someone who speaks and understands Spanish, because I've found things from the hearings, you know, where it would be good to have someone who could really accurately translate. So I would just say that I don't think there's been one from the Valley, but there is one from Alice and he also had an office in Corpus. So those places have been underrepresented. You know, I echo what Lucy says - and I realize we don't have time for questions - but you guys should know that when I first said, you know, in January or whatever that I was going to look for someone, a lot of people called. And I - and they asked about what goes on in the committee and how much work, and I was warned that it was a lot of acrimony even before I started. And so a lot of good people - an appellate judge in El Paso - went and did some research, and all but one called back and said, you know, I don't think I want to be on this. So it's great to have three people with good resumes, but there's some other character issues that you need. And I, frankly, just wasn't good at my job. I couldn't decide who was telling the truth. I'm not a great judge of character. And I set a record for recusals. So you don't really want someone who knows all the judges and many of the lawyers in the state because, on some of the most important cases, I had to recuse myself. So look at those considerations. You know, one other thing that may come up - a lot of different bar associations asked me to do a CLE. The rules, which they said they were going to change, says only the chair and the executive director could speak to the public. So I reget permission, they say you're forbidden to do it, and I did it anyway. I believe - I listed the cases and they never refuted them, but that's something that might come up. How would your candidate do if he's asked to give a CLE? The law is clear. And one of the other reasons that I'm not going to be there is we would have filed the suit on the Friday after the last meeting, and my volunteer lawyer was in the hospital. So think about, you know, some of these other qualities that aren't resume qualities. My understanding is that all three candidates are good. It does help to have a Spanish speaker on there, in my opinion. There's one other member on there now who speaks Spanish. And that's all. I don't need my four minutes. Good luck. I enjoyed the privilege of serving, and I hope you find somebody that's really good.

CHARLIE GINN: Thank you, Director Fischer. OK. So let's talk about the election. We'll be using the BoardEffect platform tool called Poll for the online voting. Don't worry. When I get through reading this, Chielsey and Jennifer are going to take over and they're going to make it to where we can all get to the right place, so bear with me. We'll be using the BoardEffect platform tool called Poll. It's imperative that you log in to BoardEffect effect. If you're having difficulty, please call or text Chielsey or Jennifer. You can see their numbers on the screen here in just a few minutes. The state bar rules require that directors be present to vote. Voting by proxy is not allowed. Only voting members of the board may vote for the appointee to the State Commission on Judicial Conduct. These electronic votes are subject to both the Open Meetings Act and the Open Records Act. For that reason, we're having you log in to your BoardEffect account as verification. In the first round, you will vote for one of the three candidates. If one candidate receives a majority vote of the board, that candidate wins the election and will be the appointee to the State Conduct on Judicial Commission - I'm sorry, the State Commission on Judicial Conduct. If no candidate receives a majority of the board members present and voting, the candidate receiving the votes will be dropped from the poll, and we'll have a second poll with the remaining two candidates. If one of the two candidates receives a majority vote, that candidate wins the election. In the case of a tie, the chair may cast a vote to break the tie. I am abstaining from the original vote for

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that reason. Somebody asked me earlier why I gave the chair to Jerry earlier. It's because my opinion is such that the chair should be neutral in these actions. So when - so I took a position on it, so I gave it to Jerry. I've had that - three questions on it, so I figured I'd just tell everybody. But I am abstaining. At this point, Chielsey and Jennifer are going to provide instructions on how to vote using BoardEffect. You need to be logged in. If you have any questions or help, contact Chielsey or Jennifer. Everybody sit tight, we're going to get you there.

JENNIFER REAMES: OK. This is Jennifer. Chielsey is getting ready to start sharing her screen. When she takes over the screen, please exit the full screen so you can see your own BoardEffects page. Chielsey is sharing her screen to demonstrate on how to locate the polls on BoardEffect. On your own computer or device, please make sure you're logged into your Board Portal. If you're on an Android tablet and must log in to BoardEffect effect in the browser. Any issues, please call myself or Chielsey - our numbers are on the landing page of BoardEffect - and we can help. Round one. From your computer, please click on the state bar logo located at the top left corner. This will open another tab, and you will be on your BoardEffect homepage. Scroll down to see My Polls. Click on the name of the poll...

UNIDENTIFIED SPEAKER: (Whispering) Slow.

JENNIFER REAMES: ...Which is number one - Electric Ballot for Appointment to the State Commission on Judicial Conduct. Click on the link. Please make your selection and hit submit. Your vote is complete.

RANDY SORRELS: Can you tell us how to fasten our seatbelts as well?

CHARLIE GINN: You leave Jennifer and Chielsey alone. They're making this very easy on me today, Randy. I don't need this from you right now (laughter).

RANDY SORRELS: That was great. That was excellent.

CHARLIE GINN: OK. We're getting there. A few directors that still haven't voted - if you are having an issue voting, contact us. You can call me, too. But Benny Agosto, Steve Fischer please check your email. James Wester, Michael Hurst, and I know Dr. Ferrier's on the phone with somebody now, so - she's good. OK. So Benny Agosto, James Wester, August Harris, we still need you to vote. Steve Fischer, please check your email.

AUGUST HARRIS: Charlie, I voted.

CHARLIE GINN: Did you hit submit?

AUGUST HARRIS: Yup, it says completed.

CHARLIE GINN: OK, let me check. They may have just got it. One second. Apparently, I said Michael Harris and I meant Michael Hurst. Sorry, Mr. Hurst.

UNIDENTIFIED SPEAKER: That's fine.

MICHAEL HURST: All right. But you got mine, I assume, right?

CHARLIE GINN: Let me check.

AUGUST HARRIS: I admit I'm a bit of a Luddite, but I do follow instructions pretty well.

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CHARLIE GINN: August, you're good. Michael, you're good. Benny, I know, is getting help. Steve, have you checked your email?

STEVE FISCHER: Because of the internet going down, I can't even log in...

CHARLIE GINN: OK. Hold on. We'll get to you. Go ahead and mute yourself, and we'll get to you. One second.

STEVE FISCHER: OK.

CHARLIE GINN: OK. We have a nomination result. There will not be a runoff. The new appointee to the Judicial Conduct Commission will be Clifton Roberson. It is 12:07. We can do one of two things. We can go through the remainder of the president's report, but that's going to include a closed session. My suggestion is we take a lunch break now and then come back and continue with the president's report. Larry, are you OK with that?

LARRY MCDOUGAL: I've got Kenda Culpepper on hold, but I'll call her and ask her to call back at about 12:30.

CHARLIE GINN: Do you want to take her now? We just get that portion of it out of the way or do you want to do all that at the same time?

LARRY MCDOUGAL: We could do it now.

KENDA CULPEPPER: Excuse me.

CHARLIE GINN: Let's take that one portion of it and then we'll just call a break after that, OK?

LARRY MCDOUGAL: Very good.

CHARLIE GINN: All right. The floor is yours.

KENDA CULPEPPER: I've been - I've been a trial lawyer long enough that I never want to start anything during the lunch hour. So I'm happy to wait.

CHARLIE GINN: Ms. District Attorney Culpepper, I - you're good. I'm certainly not going to ask you to wait. So you're - you're right around the corner from me. We're going to go - we're going to go for you right now. The floor is yours and Larry's. Thank you very much.

LARRY MCDOUGAL: Thank you, Mr. Chair. At this time, I'm going to go to item number C on my agenda - it's the Update on the Presidential Task Force on Criminal Court Proceedings. In June of this year, the board approved my request to form a 17-member Presidential Task Force on Criminal Court Proceedings to support the judiciary's plan to resume operations in light of COVID-19. What I did was basically selected a prosecutor, which is Ms. Culpepper; a judge, which was Judge Charles, who's also an administrative judge; and the president, Grant Scheiner, of the Texas Criminal Defense Lawyers Association. I asked each one of them to select four additional members from within their membership. And I appointed Judge Richardson from the Court of Criminal Appeals and myself to the committee. I'm pleased to report the task force has released a set of recommendations that have been well-received by the Supreme Court and the Office of Court Administration. In fact, the OCA's recent recommendations to the court regarding jury proceedings reflect many, if not most, of the task force recommendations. At

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this time, I am going to ask Rockwall County District Attorney Kenda Culpepper, who is one of the three co-chairs on the task force, to please give us a report on the work of the task force.

KENDA CULPEPPER: Thank you very much, President McDougal. Chairman Ginn, I appreciate very much the opportunity to come before you. I see - and have been watching for the last three hours - I see so many of my friends on this Zoom meeting, and I can't tell you how honored I am to appear before you and speak on behalf of the task force. And I just want to tell a little bit about how this idea got started. President McDougal is not paying himself enough honor by the ideas that came out of this. This idea was born from a relationship that Larry McDougal, Grant Scheiner and I have had. We've known each other for a long time. We've been friends for many years. And this spring, we were talking on the phone about collaborative opportunities since Larry was the incoming president of the state bar, Grant was the incoming president of the Texas Criminal Defense Lawyers Association and I had been elected and had already started serving as the president of the Texas District & County Attorneys Association. So as the state bar, the Criminal Defense Lawyers Association and the Prosecutors Association, we knew that we had a perfect storm opportunity to collaborate as criminal practitioners on issues that could truly affect our entire profession. And so we found that opportunity in the COVID crisis. We had all been chosen to serve on an OCA task force about the resumption of jury trials, and that task force included lawyers from all practice areas. In fact, I see a number of you on here today. And during those task force meetings, I can tell you that the criminal law practitioners became really concerned about the direction of conversation that the conversation was taking regarding virtual criminal trials or virtual trials in general. We felt really strongly that virtual criminal trials were likely to be reversed because of Sixth Amendment issues let alone the equal access to technology issues and the connectivity issues that we've heard about so much. And we really knew that or felt like our concern would be shared by criminal lawyers and judges from all across the state. The next day, Larry called Grant and I, and the Presidential Task Force on Criminal Jury Proceedings was born. He said, I'm going to create a presidential task force. And he did. Together, we chose some of the best and brightest prosecutors, defense lawyers and judges to serve on that presidential task force. We knew that if we could get this group of leaders to agree on best practices for restarting criminal jury trials, other criminal law practitioners across the state would be more likely to follow. Grant and I agreed to be co-chairs. And, Judge Charles, as you've already heard from Longview and the regional presiding judge in east Texas - and y'all know him because he's been a former chair of the judicial section of the state bar - joined us. And you have a list of your task - of the task force members, so I won't go into that. Although, I have heard that there's a thousand pages in your pamphlet. So I'm not sure if all of y'all got to see it. But I would encourage you to look at the number or who the members were on that task force. We were awfully, awfully proud that they all agreed to join us. We were also joined during that - during most meetings by President McDougal, Trey Apffel, Texas Court of Criminal Appeals Judge Bert Richardson and David Slayton from the Office of Court Administration. Now, this board approved the task force on June 24. And we had - we started right away. Five days later, we had our first Zoom meeting on June 29. And as you might expect, it took a little bit of time for us to trust the process. Judges, prosecutors and defense lawyers coming to agreement about jury trials, quite frankly, coming to agreement about anything. There was definitely tension, especially in those first meetings. Defense lawyers weren't about to waive objections to moving forward as you - as I think that you can guess. Sometimes, it is in their best interest to delay trial for as long as possible. That's a trial strategy, quite frankly. Judges wanted to start trials as quickly as possible the next day, and prosecutors just didn't want our cases reversed. And at right about that time, we had multiple offices across the state closed down because of COVID. But things settled down and we started making

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amazing progress. We met for nine weeks. And on August 25, we submitted 14 broad interim recommendations to the Texas Supreme Court, the Court of Criminal Appeals and the Office of Court Administration. And I can tell you that an inordinate amount of time went into each and every one of these recommendations. By the time we were finished, the document as a whole was adopted by the task force. We talked to all of our liaisons, made sure that they understood that these are interim recommendations that we would be taking to the board. But given the fact that a board meeting wasn't coming up yet, we did submit those to the Texas Supreme Court. And I can tell you that there were individual things that - there were things that individual members didn't love. But I was proud that we really came together as a task force to approve the document as a whole. And I was so glad that Justice Lehrmann - you heard her talking about the court order - the Texas Supreme Court emergency order, and that it references that OCA guidance. But I want you to know that so much of that came from our task force. And I'm just going to quickly go over the recommendations that were made because, of course, we are a representation of you from the state bar board and the state bar in general. But the - so I'll just go through these quickly. And I'm going to summarize them since you have them in front of you or at least in your thousand-page packet. So, obviously, we didn't want trials to proceed unless the constitutional rights of the accused are adequately protected. Number two, we are the ones that really talked about the mandatory process that needed to be created to require judges to conference and get approval from the regional presiding judges and the court of - the Office of Court Administration. And I can tell you that when we were creating the - when we were dealing with the task force and even when we were meeting, we did not contemplate that we were about to create roles for not only criminal trials but for civil trials, every kind of trial. We're proud that that has become the effect of this. But that mandatory process - we talked a lot. So we required that a mandatory process be had so that judges had to get approval by the regional presiding judges. We also wanted a full and fair record to be made to the trial court and parties to be allowed to object to the proceedings in general, meaning that if there was a concern about COVID or a concern about the safety proceedings moving forward, we wanted parties to be able to make a full and fair record to the trial court judge. Judges. We wanted them to ensure - to create protocols to ensure that no court participants had tested positive within 30 days. Now, you'd think that this would be obvious, but we were hearing cases already about Brazos County, where they tried two cases at one time. The defendants were shackled together. And they were trying all these. The jail forgot to tell the court participants, including the judge, that one of the participants had tested positive for COVID. In fact, the jail had also forgotten to tell the defendant that he had tested positive for COVID. So, unfortunately, the guy that was shackled to him tested positive, and other members in that courtroom tested positive. So we felt like we needed actual language saying you got to ask these questions. All persons entering the common areas of the courtroom must wear a face covering, and this is whether it's in a courthouse, or in an arena or in the rodeo arena, wherever they're trying that case. All court participants - including the judge, attorneys, venire members, jurors and witnesses have to wear both face shields and masks. When speaking, then, we need them to lower that mask. Obviously, you understand it's not just from a criminal perspective. But you cannot try a case - those of you who are trial lawyers - you can't try a case unless you can see the person's face. You can't gauge their credibility unless you can see that person's face. So not only was it an issue for criminal cases, which would affect our Sixth Amendment issues, but it's also obviously in the civil realm as well. We created protocols for dealing with evidence. Lots of touching going on - we wanted a lot of that to be done digitally but saving the opportunity for people to be able to touch evidence. Beginning in voir dire, we made the recommendation and it was followed that no portion of a criminal jury trial can be conducted

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by video conference. Now, they made the exception that if both parties agree, - the prosecution and the defense - then they can move forward. That's going to take a lot of waivers. There is an exception. We made the exception with the consent of parties that a judge could allow a witness to testify by video conference. We encourage the broad use of jury questionnaires again. And then the practitioner should have an unobstructed view of venire members and witness' faces, and that presiding judges should be empowered to ensure compliance because as much - I really love judges. But as much as I love them, we were aware that there might be some judges in the world that might say, it's my courtroom, I'm going to do what I want to do. And - so we wanted to be able to ensure that compliance. So those recommendations were adopted by the OCA. If you go back and you look at the OCA compliance document, many other - our recommendations were accepted verbatim and we are very proud of that. David Slaton was very engaged in our committee and we were proud to have his help and to be able to help him in making recommendations. And then the Texas Supreme Court, last week, came out - has said that, you know, they have those orders. Much of what we recommended is in their order but they also refer to the OCA guidance. So we met again last Monday to get an update from David Slaton about - after the Texas Supreme Court released that 26th emergency order. We are now taking a break to see how jury trials are going to proceed in the month of October. I can tell you that across the state, judges are beginning that process to start to resume jury trials. And - so we're going to take a break, and at the end of October - Monday, October 26, we're going to come back together as this group of prosecutors, defense lawyers and judges to make a decision on how to proceed at that point. President McDougal has given us the flexibility to extend the tenure of our committee as long as we need to meet and I appreciate that very much. We have - I'm proud of the progress that the task force has made, I'm enthusiastic about the work that we've done. And I'm excited that prosecutors, defense lawyers and judges have been able to come together to make really valuable contributions. So with that, I'll answer any questions. But President McDougal, chairman Ginn, thank you so much for giving me the opportunity to update you on the task force.

CHARLIE GINN: Thank you, District Attorney Culpepper, and for your work on this and as we go through these uncertain times, what you and your task force have done, we appreciate it. So this is Larry's task force. He will need to make the motion for approval of the creation of the task force. Is there a second?

YOLANDA CORTES MARES: I'll second.

UNIDENTIFIED PERSON: I second.

CHARLIE GINN: All right. It's so seconded by Ms. Cortes Mares. Is there any discussion?

LARRY MCDUGAL: Charlie, I believe this task force, this one's already been approved back in a different meeting.

KENDA CULPEPPER: Yeah, it was approved on June 24.

CHARLIE GINN: Hold on, Larry, one second. I'm sorry. One second. Wrong portion.

KENDA CULPEPPER: Well, that would be embarrassing if we did all this work and y'all hadn't even approved us, so.

CHARLIE GINN: OK.

LARRY MCDUGAL: All right.

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CHARLIE GINN: I guess, we're just thanking you for the report. Thank you very much. I had wrong pages I was looking at. OK, so I told you all that we were going to lunch. We need to actually go into the - a quick 11D, and then closed session. It should not be the closed sessions of the past. But we do have some reasons for that. Larry, if you - assuming President McDougle, if you would talk about 11D, and then we will go straight into closed session. And then, we will take a break for lunch right after the closed session. Mr. McDougal, the floor is yours.

LARRY MCDUGAL: Thank you, Mr. Chair. 11D is an update of a potential purchase of real property at 1415 Lavaca St., and this is going to be discussed more in closed session. Just as information, though, in late 2019, the state bar began exploring the possibility of purchasing the historic building immediately to the west of the Texas Law Center, which is located at 1415 Lavaca St., for the benefit of the bar's operation on membership. This was to be used as office space and meeting space. In January 2020, the board approved the purchase and another offer was made and accepted by - but another offer was made and accepted by the seller, so we didn't get it. Until recently, the proper property was under contract by the developer who was seeking to build a hotel tower. That project did not come to fruition. And we are, again, considering a purchase of that building. We will now discuss the possibility in closed session as permitted by the Texas Open Meetings Act.

CHARLIE GINN: OK. Directors, you don't have to do anything. We will move you into closed session right now. So just sit tight at your computers, and we'll go directly into closed session. It is 12:23 PM. Go ahead, Jennifer. OK. All right, we are back. It is 1:39 PM. At 12:23 PM the State Bar directors recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of consulting with legal counsel to include discussion regarding all pending or contemplated litigation including regarding MacDonald et al Sorrells. At the Fifth Circuit, Samantha Carter, in the Northern District and N Law v. Willey in the Western District, Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin, and Section 551.074 to deliberate regarding personnel matters. At this point we'll return to the action item 11D. President McDougal, you have the floor.

LARRY MCDUGAL: Thank you, Mr. Chair. Mr. Chair, based upon deliberations in our executive session, I move that the board approve the purchase by the State Bar for real property at 1415 Lavaca St. in Austin, Texas, for purchase price, still under negotiation as discussed in closed session and authorize the ad hoc sub committee to incur due diligence expenses as discussed.

CHARLIE GINN: And as a friendly amendment to that, are you including in according to terms discussed, Mr. McDougal?

LARRY MCDUGAL: Yes, sir.

CHARLIE GINN: OK, we have a motion. Do we have a second?

YOLANDA CORTES MARES: I second.

UNIDENTIFIED PERSON #1: I second.

ADAM SCHRAMEK: I second.

CHARLIE GINN: All right. I think Adam Schramek was our second. Any discussion? Hearing none. All directors in favor, please vote by saying aye.

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UNIDENTIFIED PERSON #2: Aye.

UNIDENTIFIED PERSON #3: Aye.

UNIDENTIFIED PERSON #4: Aye.

DAVID CALVILLO: Aye.

STEVE FISCHER: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes. We will take a break now.

LARRY MCDUGAL: Mr. Chair, I have a second motion.

CHARLIE GINN: I apologize, President McDougal. Go ahead.

LARRY MCDUGAL: I also move that the board delegate to the executive director of the authority to seek an amendment to the current year's budget from the Supreme Court in order to complete the purchase of 1415 Lavaca St.

JASON SMITH: I second.

LARRY MCDUGAL: Director Smith seconds. All those in favor, please respond by saying aye.

UNIDENTIFIED PERSON #5: Aye.

UNIDENTIFIED PERSON #6: Aye.

UNIDENTIFIED PERSON #7: Aye.

SYLVIA BORUNDA FIRTH: Aye.

CHARLIE GINN: Any nays? Hearing none, the motion passes. All right. It is now 1:41. Why don't we take a 20-minute lunch break? Why don't we report back at 2 o'clock for our meeting? Mute yourselves. Please do not shut your computer off. We'll see you back at 2 o'clock after lunch. Thank you. All right, welcome back. It is 2:02, and we're going to call the meeting back to order. Directors can return to their screens. We appreciate everyone's patience letting us have a quick break there for lunch. Before we continue with the president's report regarding - one clarification regarding the Judicial Conduct Commission in the term for Mr. Roberson. That will begin on November the 20th of 2020. So Mr. Roberson's term will begin on November 20 of 2020. Mr. McDougal, we were in the middle of your report. We have concluded, I think, with Item No. D. We will give you the floor for the rest of your report, sir.

LARRY MCDUGAL: Thank you, Mr. Chair. I'd like to move on to Action Item No. E. This is to consider and discuss the approval of the creation of a task force on public protection, grievance review and client security fund and approval of its roster. Today, I'm asking the board to approve the creation of a president's task force on public protection, grievance review and client security fund. This has been included in your meeting materials with a roster and a mission statement and a fiscal impact report. This task force will study the grievance process in the Office of Chief Disciplinary Counsel with the mindset of ensuring our process is fair to the laws of Texas, while at the same time ensuring that the public is protected from lawyers who may take advantage of them. At the end of the process, the task force will make recommendations to the board of directors regarding any changes in procedures and rules the

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task force believes are necessary to protect attorneys of Texas and the public which these attorneys serve. The task force will also study the client security fund to determine ways it can better serve the public while considering the limited resources that we have available to it. The task force consists of 21 members from across the state. They will meet by video conference, so the fiscal impact should be very minimal. I'd also like to add that I have chosen Judge Mike Fields, an African American male, former judge out of Harris County, to basically chair this task force. When I tasked him with this, I asked him to give me one of the most diverse task forces that we come up with, both on the issues of geographic area, practice areas, race and sex, and asked him to put this together. And I believe that Judge Fields has actually put us together a very good one. We've also added three board members, which is Steve Naylor, Lucy Forbes and Shari Goldsberry. And so I think we have an excellent task force put together. Recommendations will then be brought back to our board, and then the board can we can move forward from there. I move - Mr. Chair, I move that the board create the task force on public protection, grievance review and client security fund, including the approval of its roster.

CHARLIE GINN: Any director who wishes to second the motion please unmute and state your name. Don't just say second. Do we have a second?

YOLANDA CORTES MARES: Yolanda Cortes Mares. Second.

CHARLIE GINN: All right, Director Yolanda Cortez Mares is our second. All director, is there any discussion? Pull up my participations tab real quick. Seeing no hands, hearing nothing. All those in favor, please say aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes unanimously. Mr. McDougal, the floor is yours.

LARRY MCDUGAL: Thank you, Mr. chair. I'll move to action item number F. Consider, discuss approval of the creation of the courthouse access badge work group and approval of its roster. In 2018, pres-elect Randy Sorrel's created a Courthouse Access Badge Task Force to study the possible implementation of courthouse access badges in Texas. Today, I'm asking the board approve a 14-member work group that will continue the efforts of the 2018 task force. The roster, mission statement and fiscal impact report are included in your meeting materials. This work group will meet by video conference, and so the fiscal impact is expected to be minimal. I've asked David Sergi to head up this task force and he chose exclusively on his own the 14-member task force that it consist of. Mr. chair, at this time, I move that the board create a courthouse access badge work group, including an approval of its roster.

CHARLIE GINN: Any director who wishes to second the motion, please unmute your name.

BENNY AGOSTO JR.: This is Benny Agosto. I second.

CHARLIE GINN: All right, Director Benny Agosto seconds. Any discussion? Seeing no hands, hearing no discussion. All those in favor, please say, aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passed unanimously. Mr. president, the floor is yours.

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LARRY MCDOUGAL: Mr. chair, we have another action item, which is action item G. This is going to be consider, discuss approval of ratification of the ad hoc Submission Committee's decision to grant approval of the Business Law Section's request to file an amicus in HouseCanary Analytics Inc. v. Title Source Inc. - the Reporters Committee for Freedom of the Press and Houston four times in the Supreme Court under cause number 19-0673. Mr. chair, last week, the board's ad hoc Submission Committee approved the Business Law Section's request for expedited approval to file an amicus brief in the HouseCanary case currently before the Supreme Court. Included in your many materials - wait, I'm sorry. On the wrong page there.

CHARLIE GINN: I did it earlier. I think, coming from a committee, Mr. McDougal, it needs no second.

LARRY MCDOUGAL: Right.

CHARLIE GINN: I just need your motion.

LARRY MCDOUGAL: I move that the board ratify the ad hoc Submission Committee's decision to approve the filing of the amicus brief by the Business Law Section.

CHARLIE GINN: Coming from a committee, it needs no second. Is there any discussion? Hearing and seeing none, all those in favor, please respond by saying, aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes unanimously. Mr. president, I think that takes us back up to the beginning of your report, items A and B.

LARRY MCDOUGAL: Yes, sir. I believe I - all I have left, I think, is - item B is not correct.

CHARLIE GINN: I'm sure. I just - I didn't know if you had a general report or not. So if it's item B, I'm good with that.

LARRY MCDOUGAL: OK, as we talked about in one of the special sessions in a motion that I seconded, I have put together a basically - let me get to the front page over here - a three-step plan to address the issues of dealing with racial inequality and inclusion within our state bar. Inclusion - I've always believed that the best way to combat racism is by excluding diverse people. With all the lawyers that I have spoken to in the last two months, not a single person has spoken out against equal treatment for everyone, regardless of race, sex, religion or even sexual preference. Not a single person has spoken out against it. Everyone believes this is an important issue and one that we should address as a bar. As a president-elect, you're responsible persons to committees, the Texas Bar Foundation and other positions within the legal community. I was very proud that I focused my appointments on practice area, geographic location, race and sex in making my appointments. As president-elect, you're given a sheet of all those who applied and what committees and positions they apply for. Where I had qualified minorities, I appointed them to leadership positions, not just on committee positions, yet those forms do not include a mark or indication of race. So I spent several days researching those that applied before I made my appointments. These forms need a location for those applying to place their race, sex and even sexual identity on those forms. These will be a big help to our future leaders in making more diverse appointments. It's an easy one to fix. So what I'm asking is, is that when Ray Cantu sends these forms out and they do these things in this upcoming year, that they place - on the applications, they put a deal in there indicating race, sex and even sexual preference. This will make it easier for the president-

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elect in making these appointments to be more diverse in making those and not have to sit there and research people one at a time as I did. As president, you get to appoint, with board approval, one or more directors at large. In September of 2019, I may have jumped the gun, but I already announced who I wanted is my director at large when that time comes. I chose an African-American female. And I want you to understand I didn't choose her because of her race or sex. I chose her because I found her to be an amazing person, somebody that I think would do well on our board and somebody that I want in a leadership position. I hope that she still applies for that slot. This appointment does not happen until 2021. Also today, we voted on a member of the Commission for Judicial Conduct. The chair and I both nominated an African-American male. And for me, again, this was not about race. When we had the list and we started calling people, I called Clifton. I spoke to him about the position and interviewed him about what we have and what's going on. I chose him, again, because of the person I found him to be. I found him to be a great person, an amazing person. And if you heard the people talk about him today, they all have the same impression that I had of Clifton Robertson. Today, earlier, I asked you to approve a president's task force on public protection grievance and client security fund. Again, I chose another African-American male to lead this task force. In fact, I asked him to put together the most diverse group he could find and I believe that he did do that. Again, I chose him not because of his race, but I believe the Judge Michael Fields is the right person to lead this type of group. These are just a few of the people that I have appointed to different positions and leadership positions that I've been able to do. I point this out because we have outstanding people of all races and sexes and we should not be afraid to appoint someone just because they may be different. When we close our mind, we miss a lot of good talent. With this inclusion, I'm going to personally make phone calls to minority lawyers of each director's district and encourage them to run for director this year - in this upcoming year, actually. I have no intention of discouraging anyone from running, but I'd like to see a minority candidate running in each district if possible. I'm going to mention Steve Bolton. He's running for president and has a petition candidate. If you look at the petition that he has, look at the first page. You will find Leon Carter in the number one spot, I am in the number two spot and Joe Longley in the number three spot. This is nothing against Sarah Lauren, who's also running by nomination. But I believe Steve to be an amazing person. And one of the first people I called after the June 10 incident. I also appointed an Asian-American to the spot on the Bar Foundation, again, not because she was Asian-American but I knew her to be active in the community and a person of high moral character. I even appointed an LGBT man to a work group and again, not because he was LGBT, just because I know the man and I know him to be an outstanding individual. And by this in the inclusion, I want encourage all our future leaders to be inclusive in their selections. If not, then we will always be divisive and it will always be that distrust. I believe with inclusion, we can defeat this. Step two - implicit bias. The board of directors has voted that each director will take an implicit bias course before the end of the year. The Texas judiciary is considering making this annual course for all the judges in Texas. The African-American Law Section has requested that implicit bias training be annual for all Texas attorneys. As president, this is not a decision that I alone can make. The board has already deferred to the MCLE committee for their decision. But what can I do? I've already been in discussions with our executive director Trey Apffel about providing a free implicit bias course for all Texas attorneys and I attend on applying for ethics credit when we do this, yet I do not want to stop there. I will work with CLE committee chair Scott Rothenburg to put together a more advanced implicit bias training for the Texas lawyers. I cannot tell you this will be free. Again, that is not within my power, but we want it to be available for any lawyer who wants or feels the need to attend. Now comes the big one that I'm the most proud of, and I have to give credit to this one

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to Rob Crane. In 2017, the Dallas Bar Association in conjunction with Project Unity started a Together We Dine program. In this short time, they have had over 1,000 people participate in this program. This is a listening exercise. I participated in one a few weeks ago, along with several other directors and our executive director. This provides a safe place for people of all races and sexes to openly discuss racism in a way that most of us never have. I have several African-American friends that I go hunting with, I go fishing with, I play golf with. They spent nights at my house. They've even had dinner at my dinner table at home, yet racism was never a topic that we ever discussed. This is not my brainchild, again, but I've been working with Rob Crane putting this together. So here is the plan. We are looking to do something that no other bar association's ever done. I've reached out to several bar presidents in the southern conference and asked them about what they're doing and how they're doing it. Our plan is to hold a minimum of 17 programs by the end of June - one in each bar district. If the demand is there, we will hold more than one in each district. Every lawyer licensed in Texas is going to receive an email invitation to attend. We will send these out by bar district. There's no cost to the participants. Project Unity will provide the facilitators. It will run each of the programs for us. The cost to the state bar Texas will be its staff time of sending out the invitations and setting up the Zoom meetings. This gives everyone involved a safe place to openly discuss different aspects of racism. I actually enjoyed the program that I participated in and it opened my eyes to many different points of view, yet I do not want this program to end at the end of my term as president in June of 2021. I want to continue this program throughout my year as past president. And hopefully, this will be a successful program, and the state bar will carry on with this project even after I'm already gone as past president. This is just not a matter of us sending out email invitations, but I intend to participate in as many of these programs as possible, if not every one. Again, this will be something that no other bar in the state - or no other state bar - has ever attempted. It will expose hundreds of Texas lawyers and will help build a better understanding within each other by bringing racism that much closer to an end. In closing, I am asking every lawyer in Texas to join me in this. Participate in this Together We Dine. If you didn't participate in the one that we had a few weeks ago, when we start this, get in one. I was impressed. It was a great program. And it's one that - it's not an offensive program. It's one that actually opens up a free dialogue and free thought. Let's take this negative and turn it into a positive. Help me in making the state bar a leader in healing the wounds of racism by including everyone, regardless of race, sex, religion, sexual preference or any other barrier that makes someone different than you by participating in Together We Dine program and doing it more than once if space permits by opening your mind and heart and learning that we have more in common than we do dividing us. Thank you, Mr. chair.

CHARLIE GINN: All right. Is there any discussion? Seeing no hands. Seeing no comments. We will move forward to the next item on the agenda, a report from President-elect Sylvia Borunda Firth. Madam President-elect, the floor is yours.

SYLVIA BORUNDA FIRTH: Thank you, Chairman Ginn. Before I get started, I think I need to apologize to my longhorn lawyers for my wardrobe malfunction. On this very weekend, I show up at a board meeting wearing red and black. So I apologize, and I assure you that that won't be the case tomorrow. So a little bit of levity. They've had a pretty heavy agenda today. So my report is just that - there are no action items. It's just a report, first being with regard to the task force on diversity, equity and inclusion, which you all approved the roster of on the September 10 meeting. That's going to be chaired by Joe Escobedo, our former board chair from McAllen. And we're right now in the process of coordinating calendars to have our first meeting. I've invited past president-elect - past President Martha Dickie to be

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with us at our first meeting, and she has graciously accepted the invitation. She led the last task force that was a state bar task force on issues mostly focused on women. But we're going to start with - we're going to let her kick us off, and we're going to see what things have been accomplished since the 2007 report, what things remain, and then that'll be our jumping-off place for the work to be done. The second report I have is with regard to the Justice in Leadership Workgroup. This is the workgroup that's being chaired by director Carmen Roe. And this goes back to a question that Carlos Cardenas had earlier - what about the people that came and spoke to us and gave us ideas? And do we ever close the loop and go back with them? Well, this was the commitment that the board has made to review all of the recommendations and comments that were made by the 61 people and the almost a thousand written comments that we received at our special board meeting - to go through them and see which ones of those recommendations can be - can and should be implemented by the board. So this is our follow-up to those people commenting. I've talked before a little bit about the listening session that I'm working on with former state bar President Lisa Tatum. So this is - we've - we're - we've already selected a date. It's October 7. We think it's going to be around the noon hour, and you'll be receiving more information about this later. It's going to be open to all lawyers, and we're hoping to have really good attendance. And the panelists will discuss how systemic racism has impacted them as individuals as a member of the community and some as bar leaders. While this is not a novel issue, they'll discuss the impact of systemic racism as it relates to the recent events in the bar, with regard to practitioners who practice law in Texas and member engagement in the state bar activities, as well as bar activity limitations that come from Keller, Janice and the McDonald decisions, trying to identify what the proper role for the state bar should be in this greater community discretionary, and also the role and responsibility of attorneys as advocates, officers of the court and the justice system and, particularly, in light of rule 5.08 of the Texas disciplinary rules. We're hoping - we're still working on the write-up, and we're hoping that it will be eligible for CLE credit under the ethics section as well. So stand by. You'll be hearing about that very soon. So as president-elect, I chair the budget committee, and I have an update for you all. The budget committee had its first meeting on Monday, September 21. And we discussed the state bar's current financial position, the budget process and the timeline for the preparation of fiscal year 2021-2022. Over the past three years, with the leadership and direction of the immediate past president Sorrels and past president Joe Longley, the board has increased reserves by 20%, or \$2 million, which brought the level of minimal reserves to \$3 million of operating expenditures, or a total of \$11.1 million. That's a very fiscally responsible place to be. Last year, under the leadership of President-elect McDougal, the state - the current President McDougal - the bar invested over \$1.2 million in its IT infrastructure, which will be used to upgrade the law center's audio visual equipment, provide a new information system to replace the 15-year-old case management system for the client assistance program - client-attorney assistance program - and to redesign the texasbar.com website to improve service and message delivery to public and - to the public and members. Our challenge this year is going to be to draft a budget that continues to ensure that the state bar stays strong in financial footing during this period of uncertainty, while providing the best use of our funds with which we're entrusted. The pandemic has caused some disruption to our normal operations. And during this meeting, we've discussed some of the major revenues of the bar, including membership dues and Texas Bar CLEs. So we have a slide that we'd like to share with you all to show the budgeted revenue by major category of the state bar's general funds. And I think the staff is supposed to pull that up for us. I don't know if you can see it. As board members, it's important all of us understand our key funding sources, as those sources keep the bar in a strong financial position. Membership dues account for 48% of the general fund

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budget revenue, while the Texas Bar CLE provides 32% of the total revenue of the state bar. The committee's paying close attention to the trends of these funding sources since they will be key to drafting a balanced budget. Budget packets will be furnished to the state bar's divisions and department directors on October 1, with a deadline of completing them by October 16. And once the budget data is received, the finance division will prepare and analyze the budget. The budget committee is scheduled to meet on Thursday, December 10 via a Zoom call. Division and department directors will attend that meeting to provide information with regard to their particular area of the budget. And during this meeting, the committee will finalize the proposed fiscal year 2021-22 budget for presentation to the executive committee and to the board at their respective January meetings. And that's all I have to report on today, but I stand ready to answer questions if anyone has any.

CHARLIE GINN: Is there any discussion or questions for Madam President-elect Sylvia Borunda Firth? Hearing none. Seeing none. We will move to the next item on the agenda, report from our immediate past president, Mr. President Randy Sorrels. Mr. Sorrels, the floor is yours.

RANDY SORRELS: Thank you...

CHARLIE GINN: Hold on. Hold on, Randy. I'm sorry. Director Fischer, I understand I see your hand raised now. What can I do for you, Director Fischer?

STEVE FISCHER: I just have a comment on the CLE. And I've been questioned on this during the break. I think the CLE department and what the bar is doing is just great. And people don't appreciate it, and they're demanding answers about why the CLE isn't free. If you look at - during the pandemic - if you look at that chart again, we receive about \$14 million out of the \$52 million. But that number has been static. It's been 13, 14, 15, for years. And the bar's done such a good job about letting people - groups, Facebook groups, whatever - present free CLE. And there's more free CLE - we helped start a site about free CLE a few months ago. And there's so much available, and so much of it is good. And you know, we just can't please everyone. But that department is, in my opinion, the flagship of the bar. There are a couple of things we can do. There used to be a program called - sort of an all-you-can-eat, sort of a buffet CLE you could take. And that cost a thousand dollars a year. It was discontinued because people didn't - they'd sign up and not go. That was a really good program, aside from the education, aside from showing the people how good the advanced courses are, which is what most people went for. But there was another aspect that nobody ever really talked about. When I would go to these things, there was always this big group - maybe 30 or 40 - of these older lawyers. Some of them were retired. And it was a good place for them to get together, and they loved it. And I think the fix on that is that we still have that...

CHARLIE GINN: Director Fischer, I hate to interrupt you. I want to stay on task. And I want to stay with our agenda. And so I appreciate your comments about madam president-elect's budget and the CLE, and I agree with you and join with you in thanking our CLE department. It's great. But I think we need to stay on task, if you're OK with that.

STEVE FISCHER: I'm OK. I just think that program needs - CLE needs to get a lot more credit than it's given...

CHARLIE GINN: I totally agree with you. I totally agree. Thank you, Director Fischer. Mr. President Sorrels, I'm sorry to interrupt you. Please. It's your floor.

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RANDY SORRELS: No, no. I'll keep - try to keep this brief. First, generally, I want to thank President McDougal for offering three suggestions to further the diversity and inclusion efforts of the state bar. And those who may listen, they may say there's too much. Some may say it's not enough. And I think he is still open to hearing other ideas. The Together Dine program, which was a proven success in Dallas thanks to Rob Crane. Going statewide is a great idea. So if others have ideas, I encourage you to send them to President McDougal. I think in this discourse, we can find goodness and improvement. And I appreciate President McDougal's efforts to do that. Second, on Page 709 of your packet, there is a request from Director Andrew Tolchin. And I want to turn it over to Andrew. And what we're going to do is consider the approval of his request that the MCLE Committee study and report to the board regarding the possibility of categorizing CLE courses on the subject of mental health and substance abuse. It's on page 709 of your packet. And Andrew, since you made the motion and did the research, if you don't mind talking on that for a minute, I'd appreciate it.

ANDREW TOLCHIN: Sure, Randy. Thank you. So I did some research and I found that a number of state bars, as well as voluntary bars across our country, provide ethics or professional responsibility CLE credit for CLE presentations on mental health issues or substance abuse. And I understand that if TLAP were to apply for such a thing, they would routinely now receive that kind of credit. But those who create these courses may not know because there is apparently no written policy on this. So I wanted to let us have the opportunity to let the MCLE Committee know that we care about this issue and to report back to us. So I do have a motion and I'm hopeful that it'll receive a second. I move that the board requests the MCLE Committee to study and report to the board by 2021 regarding the possibility of categorizing CLE courses on the subject of mental health and substance abuse as eligible for, quote, "ethics/professional responsibility," close quote credits.

DIANE ST. YVES: Second.

RANDY SORRELS: I think, Charlie, you're going to have to take over from here on Andrew's motion. And I certainly support the motion as well. If you're on - you may be on mute.

CHARLIE GINN: Sorry, I was I was talking, but I did not have myself on high volume there. Diane St. Yves is our second. Is there any discussion? Hearing none, seeing none. All those in favor, please respond by saying, aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passed unanimously. Mr. Sorrels, the floor is yours.

RANDY SORRELS: And that concludes my report. Thank you so much.

CHARLIE GINN: Thank you, President Sorrels. We're going to take an action item out of order - excuse me, agenda item out of order. Judge Yeary, are you on the call?

KEVIN PATRICK YEARY: I am. Can you hear me?

CHARLIE GINN: We can. The floor is yours, sir.

KEVIN PATRICK YEARY: Thank you. I just want to thank you for the opportunity to address you on behalf of the Court of Criminal Appeals. We at the Court of Criminal Appeals are happy to be able to cooperate

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when we can with the board as it conducts its important work for the state bar of Texas. And we appreciate the open line of communication that we enjoy with you on matters important to the administration of justice in our state. I'm especially honored to report that only three days ago, September 22 of 2020, the Court of Criminal Appeals marked its 129th anniversary as the court of last resort for all criminal cases in our state. You might remember that we celebrated our 125th anniversary back in 2016. As Texans, we know we're all trailblazers by nature, but we're honored at the Court of Criminal Appeals to continue to play our unique role in our Texas Judicial Department of Government. I want to thank Justice Lehrmann for her earlier report from the Texas Supreme Court. I would like to just adopt so much of what she said. As Justice Lehrmann reported, we've had quite a year in 2020. We've had to adjust to new safety precautions due to the COVID-19 pandemic. And this caused all of us to begin working from home and to begin utilizing online tools like this Zoom platform to conduct our conferences and to host oral arguments from litigants in our court. Like many other courts throughout the state, with the help of the Office of Court Administration and its director, David Slayton, we've made that adjustment almost seamlessly. While most of us have occasionally been back to the Supreme Court building since the start of the pandemic, we continue to conference and hear arguments online with arguments being broadcast live on our YouTube channel. We in the Texas appellate courts also suffered through a well-documented ransomware attack this year. That event compounded the difficulties encountered due to the pandemic because it made accessing certain court records remotely exceedingly difficult. But again, with the incredible assistance of the Office of Court Administration, we've come through that terrible event as well. As Justice Lehrmann reported, our Texas Supreme Court has issued during this COVID-19 pandemic a number of emergency orders to ensure the integrity and responsiveness of our system of justice. When appropriate, the Court of Criminal Appeals has joined with and signed off on those orders as well, and we continue to keep our eyes on the horizon for issues on which our guidance can be helpful. The Court of Criminal Appeals is also privileged to administer the judicial and Court Personnel Training Fund, which we sometimes refer to as the grant. Through the grant, the court oversees distribution of funds appropriated by our legislature for the continuing education of judges, other employees of the judicial department, prosecutors, defense attorneys and others on matters relevant to the performance of their roles. And this includes on matters such as the use of scientific evidence and issues related to mental health. We're working with the clients that currently are served by the grant to also adjust to this new reality, where remote learning is becoming preeminent. Our collective attention to issues relating to mental health has also increased immensely in recent years. And that's so important, especially in our system of criminal justice. I'll take this opportunity to report that our court has made a mental health resource guide available on our Court of Criminal Appeals website - contains information about a number of agencies and offices that provide resources and services related to mental health in our state, including the identification of specific organizations providing services in specific counties. I encourage anyone with an interest in locating providers of mental health services and resources to visit the Court of Criminal Appeals' website and have access to that resource guide. Finally, I will report that we also have had, for some years now, a very active rules advisory committee on the court under the leadership of Judge David Newell. And with the participation of several of our other judges as well, including myself and other members of the bench and bar, the Rules Advisory Committee considers important ways to improve the rules that guide practice in our courts throughout the state in criminal proceedings. If anyone would like to reach out to the Rules Committee or to make comments about proposed rules, an email address for that purpose is available on our website under a link for the Rules Advisory Committee. I want to thank the board for

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the opportunity to address you today and for the continued and open lines of communication we at the Court of Criminal Appeals continue to enjoy with you. And that concludes my report.

CHARLIE GINN: Thank you, Your Honor. We appreciate your time and your report and your leadership. We're going to go to agenda item number 14, the Commission for Lawyer Discipline and the Chief Disciplinary Counsel - Gena Bunn and Seana Willing. I understand Ms. Bunn is out with us today, but I understand that Seana Willing is going to give our report. Seana, are you with us?

SEANA WILLING: I am, Thank you. Seana Willing - Chief Disciplinary Counsel. Gena Bunn apologizes. She was planning on being here to make the report but she had a mediation that ran long and then an appellate emergency on one of the cases. Just quickly going through our report for this board meeting to give you just some updates on how we've been responding to the COVID-19 pandemic, now almost seven months in. Everything's happening by Zoom. We had two new commission members start in our commission meeting yesterday, all by Zoom. We welcomed attorney Sally Praetorius and our public member (unintelligible) to their orientation. They were sworn in by Justice Blacklock on Wednesday afternoon and had their first meeting yesterday by Zoom and just hit the ground running. They were prepared and great additions to our membership. Our investigatory hearings continue to be conducted by Zoom. Our evidentiary trials are now being conducted by Zoom as a result of the Supreme Court's 18th emergency order. And we do have some district court trials and appeals that are proceeding based on where the courts are able to conduct proceedings remotely in accordance with the OCA protocols. Summary disposition panels have always been by telephone. They're still meeting remotely. I think they may be using Zoom as well in some instances. We are fully operational and have been since mid-March when everything - we were all sent home. And again, just full credit to the state bar's IT department for getting all the equipment and all of the things that we needed to make that happen. Our grievance symposium was ready to go in May, and that had to be postponed. It continues to be on hold since we can't meet in person. We are looking at maybe changing the format to a virtual format. And so we're going to work with the MCLE department on that and maybe get something up and going spring or summer of 2021. Our annual report for the last bar year - 2019, 2020 - is out and a copy is in your materials and will be on the state bar website. Contact me if you have any questions. And then finally, in your report, in the materials, you'll see the disciplinary statistics for the first quarter of 2020, 2021 bar year, which ended August 31. We had 66 complaints that were resolved for 56 six sanctions, including three disbarment, two resignations in lieu of discipline, 11 suspensions, 14 private reprimands and 26 referrals to our grievance referral program. And we were able to collect close to \$54,000 in attorney's fees revenue through the end of August. And that sums up the report from the commission and the CDC.

CHARLIE GINN: Thanks so much, Seana, for being here and for your report. At this time, we'll go to action - excuse me, agenda item number fifteen, the executive committee. We'll start with subpoint A - Nominations and Elections. And I'll call on immediate past-president Randy Sorrels and immediate past-chair Jerry Alexander to bring us that report, and then the discussion and approval of the candidates. And after that, we will take the candidates that will be introduced in their discussion. Jerry, Randy, the floor is y'all's

JERRY ALEXANDER: Thank you, Mr. Chair. The Nominations and Collection subcommittee began its work in June on the nominations process. We published in the Texas Bar Journal online and notice to all committee sections and local bars. We reached out to the candidates in the large counties - Bexar,

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Dallas, Harris, Tarrant and Travis, since this is a large-county year. And we wound up having nine highly qualified candidates who expressed an interest and did all the procedural things necessary to become interviewees by the committee. After much deliberation, the committee voted to select Sara Dysart of San Antonio and Laura Gibson of Houston. Their bios and interest letters are included in the board packet under the nominations committee tab. These are two very, very wonderful candidates and very, very experienced state bar former officers and directors. And we know that they will run great campaigns. Because of the pandemic, both of them have agreed not to conduct in-person campaigning for the time being. Everyone wants to keep them safe. And also, members of the bar - that they would be contacted as well. This will be revisited as time progresses. And we'll work with both candidates about in-person meetings. After much discussion, the committee also decided to continue, for the next year at least, using both paper ballots and electronic voting for this year for the April election. And that goes for the presidential candidates and for the board candidates. We've done that for the past 15 years. And we may want to revisit the issue about next year's election depending on the circumstances of the pandemic. So Mr. Chair, at this time, on behalf of the Nominations and Election subcommittee, I move that the board approve Sara Dysart of San Antonio and Laura Gibson of Houston as the state bar candidates for president elect for the 2021 election.

CHARLIE GINN: Coming from a committee, no second is needed. Is there any discussion? All right. All those in favor, please say aye.

UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: Any opposed? All right. Motion carries. These are our candidates for the next year, president elect. Mr. Sorrels, do you have anything to report before we turn it over to the introductions?

RANDY SORRELS: Yeah, I think - yes, I think I do. Although, I'm not sure I'm out of order. I want to talk about electronic signatures. Do you want me to wait until after the introduction?

CHARLIE GINN: Let's do the - let's give - turn it over to them. And then, we'll come back.

RANDY SORRELS: OK.

CHARLIE GINN: That works for me. OK, so with that, then I would invite Santos - Director Vargas, Santos Vargas to introduce candidate Sara Dysart. Santos, the floor is yours.

SANTOS VARGAS: Thank you, Mr. Chair. And good afternoon, everyone. I have the honor of introducing my friend and colleague, Sara Dysart. I've known Sara for well over 10 years. During that time, I've seen the tireless effort she's put into supporting our bar and the selfless manner in which she's given her time to help so many lawyers and so many organizations. She personifies the philosophy of servant leadership. The attorneys in Bexar County and all over the state of Texas respect Sara and recognize her as an outstanding real estate attorney and contributor to our bar and our community. Please meet Sara Dysart, candidate for president elect State Bar of Texas.

CHARLIE GINN: Ms. Dysart, if you're with us.

SARA DYSART: I am. Thank you, Santos. Thank you, board of directors. Thank you, nominating committee, for calling me back and giving me this opportunity. I want to congratulate Laura Gibson for also having this opportunity. And I look forward to traveling this journey with her. I am a commercial real estate attorney. I represent clients throughout the state of Texas. How does a solo practitioner from

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San Antonio get this opportunity? My answer is hard work, providing the highest quality of legal service and at a fair price. But there's another factor that, I believe, is equally as important, and that is people have to know I'm a real estate attorney. How does that happen? I contribute that to the State Bar of Texas. My opportunity to give CLE presentations, to be an active member of REPTAL, and to serve on the Real Estate Forms Committee, which I currently chair, has garnered the respect of my colleagues, has allowed me to make friends with attorneys throughout Texas. And it's also given me some client referrals. So as state bar president, I know my job will be to represent the bar on the issues of the day. I once heard Trey Apffel say, you don't necessarily get the year you plan, you get the year you get. But I can tell you as state bar president, my number-one priority is to emphasize service to the bar in our community. I want every Texas attorney to experience getting more out of service than we give. With this challenge comes inclusion, diversity, equality emphasis which the state bar is addressing so vividly today. It also requires sponsorship and recruitment. Now we're dealing with COVID. I've heard a lot about that today. And I'm very aware of the social isolation and the economic challenges that comes with that. The state bar should continue to support TLAP. I loved Chris Ritter's presentation. But I believe there's other ways we can reach out to Texas attorneys, which we do. I really was impressed when Trey Apffel talked about the law office management buffet of activities. As for president, I'm thinking, so what can I bring? What can I bring forward? Now, the grievance committee and financial instability resonates with me. And as I move forward, I would like to talk about an advocacy program to help attorneys responding to grievances. Not only can we assist them, but perhaps we can even reach out to when they fail to answer a grievance response - more to be revealed. I also think as part of benefits to Texas lawyers, we could have a financial wisdom program that would be an addition to State Farm management that would include involving financial institutions that would make services and loans available to attorneys. But I also see a fund, not unlike the Sheeran-Crowley Trust that we heard about today, where we would be in a position to, perhaps, make grants and low-interest loans to attorneys in crisis. Now, those are just ideas I've thought about. We're always thinking about ideas that should benefit Texas lawyers. I want to be part of that leadership to put state bar resources in action for Texas attorneys. Thank you for giving me this opportunity. I look forward to continue the conversation. And I just can't tell you how much I appreciate it. Thank you.

CHARLIE GINN: Thank you, Sara Dysart. We are excited to watch your campaign. And we know that you and Ms. Gibson will run successful ones. With that, I'll turn it over to Director Diane St. Yves, who will be introducing Laura Gibson. Director St. Yves?

DIANE ST YVES: Thank you so much. It is such an honor to introduce Laura Gibson today. The first time that I met her was at my first end-of-year meeting at Gulf Coast Family Law specialist when she was president to help introduce the winner of the award created to honor the memory of her father, David Gibson. The award is presented to someone who epitomizes and reflects her father's mentorship, generosity of spirit, and the civility he always showed to other lawyers. The fruit simply does not fall too far from the tree, as Laura's work and commitment within our profession has been equally unselfish, committed, generous and unwavering. In her career, she has had so many opportunities to serve. And serve, she did. I have read many pages of statements from others who capture Laura and her commitment to the bar and most especially, its members. A statement on Laura's service working with the Texas Minority Counsel Program - I was amazed at her commitment. The energy and enthusiasm she brought to the task and the large number of people who knew her and obviously respected her contributions. While serving on the TMCP, she worked on the steering committee as co-chair and then

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chair of the Council Word Recognition Committee, developing new and innovative ideas to improve the committee to accomplish its goals and missions. Lynne Liberato once says about Laura - she is a transformational leader, thinks big, sweats the details, brings out the best in people and gets results. Laura founded and now chairs the Liberty and Justice For All Task Force to educate the citizens of Texas about laws that suppress minority vote and to work toward legislative reform. Others have said, to which I concur, her commitment, her softness and kindness are unmatched. She is a pioneer in mentorship by offering vision and guidance in a purposeful and unobtrusive manner. She possesses a true gift and ability to awaken others' inner creativity by teaching mentees how to think, not what to think, engaging, insightful and honest. There is nothing that she cannot overcome, solve or create. And she will involve each member of the bar in accomplishing what is best for the bar. Laura is a natural leader. She's the former president of the Houston Bar Association, president of the - former president of the Association of Women Attorneys, a former state bar director and chair of the State Bar of Texas. She engages with others in a respectful and kind manner. Laura, after her tenure as chair of the board, developed the program for succession planning, especially for the benefit of solos and small firms. She is a graduate of Texas A&M University and my alma mater, the University of Houston Law Center. Laura is also my friend. When I arrived at the annual meeting last year as a first-year director, she and her husband, Bill Lockton, showed me kindness, grace, humor and respect. I left the annual meeting feeling a part of the board instead of just a first-year director. Laura continues to be a big part of my life and teaching me about service to the Bar and its members. She will make an outstanding president of the State Bar of Texas. Thank you. I yield the floor.

CHARLIE GINN: Alright Mrs. Laura Gibson, are you on our call?

LAURA GIBSON : Yes, sir, I am.

CHARLIE GINN: All right, you have the floor, Laura.

LAURA GIBSON : Thank you so much for the chair, Ginn. Thank you, Diane, for those really generous words. I appreciate them very much. Good afternoon. For those of you I have not met, my name's Laura Gibson and I'm honored to be a board nominated candidate for president elect of the State Bar of Texas. I've been practicing law in Houston for 36 years. I started my career at a mid-sized Texas based firm as an associate and later partner. And in 1993 I founded a four person trial firm where I practiced for 24 years. I now work at the six person lawyer - six lawyer Houston Office of Dentons, where I head up the Texas Labor and Employment Section. I didn't get involved in Bar activities until we opened Ogden Gibson in 1993. I got involved because having my own small firm brought home the importance to me of connecting with other lawyers. I needed referral sources in order to maintain my trial docket and I started on the committee level with the Houston Bar Association - first volunteering for the minority opportunities in the legal profession committee. Later, I got involved in the Labor and Employment Section and I worked my way up to become chair of the Section. When I was chair of the Section I recruited underrepresented plaintiffs lawyers, many of whom were not even members of the HBA. I asked them to join the HBA and I invited some of them to serve on the council. I told our council members it was important for all of us to be ambassadors. I encouraged them to treat our Section lunches like it was an event they were hosting in their home. I asked them to get to know as many people as possible and to welcome them to our group. On the State Bar level, after having an opportunity to speak at the Texas Minority Counsel Program, I started to attend the TMCP every year. I got involved with the steering committee. And as an example of my efforts to make people always feel

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welcome, I suggested that we create a dining room program. This was to connect lawyers who weren't - attending the seminar on their own without other friends or lawyers at the conference that they need. We created a dine-around event where the state bar made dinner reservations at nearby restaurants. They put out sign up sheets on the first come, first serve basis, and the lawyers could dine with people they didn't know. The groups that went out to dinner came back from dinner together and that caused everybody feel comfortable in participating in the after party. I'm proud to say that the dine-around program continues to introduce lawyers to one another. In addition to focusing on inclusion, I'm a pretty hard worker. I have been blessed to have a tremendous amount of energy and more importantly, an amazing assistant who helps me accomplish more than I could do on my own. For that I'm so appreciative of Lianne Angel, my longtime assistant. One of my favorite quotes is by Winston Churchill, ""We make a living by what we get, but we make a life by what we give."" I want to give my time and energy to making sure all of our lawyers have an equal opportunity to succeed. I've been working to promote diversity and equality of opportunity for almost as long as I've been a lawyer. After George Floyd was killed on May 25 when former police officer, Derek Chauvin knelt on Mr. Ford's neck for nearly eight minutes I was so outraged, as were so many others. That week I formed the Liberty and Justice for All Task Force. Our task force is working to increase the number of people who are registered to vote in the Nov. 4 election. After voting for the election we intend to turn our attention to implementing voter reforms in Texas - which are very much needed. If elected president elect, I will focus on three main platforms. First, creating and supporting diverse small groups, lawyers for newly licensed lawyers - where the State Bar helps the lawyer peers get to know one another, share best practices and become better connected with their legal community. Second, implementing a We Care campaign for lawyers for whom outward indications such as their involvement with TLAP or the grievance system, indicate risk for suicide, depression or substance abuse. And third, designating a grievance support attorney modeled after the succession planning designation of custodian attorney so that any Texas lawyer who fails to respond to a grievance can have a designated mentor intervene on his or her behalf to make sure they file a response. I'm a strong leader. I have a proven track record of accomplishments that create meaningful change. I will devote my time, my energy, my innovation, my judgment and my diplomacy for the benefit of the Bar, its members and our public. I will be inclusive. I will never marginalize or demean anyone. I will run a strong and fair campaign. And if elected I will do the work necessary to lead our Bar to greater good. I thank you very much for your time and attention. I look forward to continue to serve our wonderful members and the public put their trust in us. Thank you so much.

CHARLIE GINN: Thank you, Laura. And like I told Sarah, I know that you both are going to have incredible campaigns and we were excited to watch you both, and we're in good hands here at the State Bar. Thank you for being here today. Randy, before we go back to you, we're going to go back into closed session very quickly. So if all of our directors will just sit tight, we'll get you in there and we're going to go into closed session. Before we do that let me read the statutory requirements. It is now 2:59 p.m. and the State Bar board of directors will now recess the open meeting and reconvene in closed session pursuant to Texas government code Section 551.071 for the purposes of consulting with legal counsel to deliberate regarding the potential purchase of real property at 1415 Lubbock Street in Austin, Texas. So with that, we will go in a closed session. Everyone, sit tight. Thank you.

UNIDENTIFIED PERSON #1: Yes.

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CHARLIE GINN: All right. Good deal. It is 3:11 p.m. and we are back in session. Let me find my language here.

UNIDENTIFIED PERSON #2: (Inaudible) do anything with...

CHARLIE GINN: No, we do not.

UNIDENTIFIED PERSON #2: Okay, great.

CHARLIE GINN: All right. We are back in session at 3:11 pm. The board took no action pursuant to the closed session in our discussion with the 1514 - excuse me, 1415 Lubbock street in Austin, Texas. Mr. Sorrels, it's your floor. We were in the middle of your report. The floor's yours, sir.

RANDY SORRELS: Yes. And this is the nomination selection subcommittee report. We're just going to talk about signatures - electronic signatures, which were mentioned earlier. As you all know, by March 1st both the directors and any petition candidate for president elect have to submit their signatures. In the past we required wet signatures, in person signatures and obviously during the pandemic that does not make a lot of sense. In the past, you could send around a petition, people could scan - print it, sign it, scan it and send it back in. The State Bar would accept that. But in this instance - based upon these circumstances and this election cycle only, for the time being - we're proposing accepting an electronic signature. And by electronic signature what I mean is something like a Adobe Acrobat signature, where if you have a person's - a candidate's petition form signed with a program that is clearly the signer's signature as shown here by Chelsea, that would be acceptable to use during this particular election cycle only. So on behalf of the nominations and elections subcommittee, I make a motion that electronic signatures on petitions for president elect and director will be acceptable during the current election cycle - provided electronic signatures are facsimiles of the signer's own signature.

UNIDENTIFIED PERSON #3: I second.

RANDY SORRELS: Charlie, you're on mute. You're on mute, Charlie.

CHARLIE GINN: Coming from a committee that doesn't require a second director tells him, but I appreciate your enthusiasm nonetheless. Is there any discussion? I see Director Fischer's hand is raised. Director Fischer the floor is yours. Steve, you just did what I did, you're muted.

STEVE FISCHER: All right.

CHARLIE GINN: Judge Fischer?

STEVE FISCHER: I think for this election it's probably a wise idea, but if we look at the big picture - that we get such low voter turnout and we can't just keep making excuses, we should have more active participation. Many people, including Randy - even Laura Gibson mentioned that we need to lower those signature requirements, and we can do it in the rules where it says the Bar can nominate two or more and we could just put the qualification for more being someone who served on a committee and got 1,500 signatures. In general the reason I don't like online signatures is because I think if someone's running for Bar president they need to go out and talk to people, and listen to what they have to say. Standing at courthouses is just normally the best thing to do because you really hear what people feel about the Bar. But for this election, it's OK. It's very hard to do. Steve Boldon made a mistake, I think, when he said, well, now you have to get 5,000 signatures. In reality, in any petition drive you need a lot

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more than that because so many of them are going to be wiped out, illegal, mistakes, unreadable, whatever. I think I got 61,022 to get 5,500 valid ones. So it's a good idea for this year, but we really need to do some of the things that Randy and others and so many people ran again against and make it more democratic and more open for somebody who wants to run. Not as low as Larry or some people say 500 signatures. Somebody can get that just on the day that they're angry at the bar and 500 will sign. That's something like 1,500 and I hope the election subcommittee does that in the future. And thanks. Thanks for your work, Randy.

CHARLIE GINN: All right. Any other discussion? Hearing none, seeing none, all those in favor please respond by saying aye.

UNIDENTIFIED PEOPLE: Aye.

DEREK COOK: Aye.

ALAN SIMS: Aye.

CHARLIE GINN: All opposed respond by saying nay. Hearing none, the motion passes unanimously. Is there anything more to report, President Sorrels?

RANDY SORRELS: Not from me. Charlie, thank you so much for allowing us to present this.

CHARLIE GINN: You bet. Thank you, sir. Thank you, Jerry, for your work. Thank you both for your leadership on this committee. Next action item is - Item 15B, it's a policy manual subcommittee, Adam Schramek. Director Schramek, you have the floor.

ADAM T. SCHRAMEK: Great, thanks so much. Before we get - we have two action items to deal with today. But before we do, I just want to give everyone a very quick update on the other matters that have been referred to the Policy Subcommittee. We've had two meetings since our last quarterly meeting as a result of some of the special board meeting issues. As you may recall, we have three of what I would call significant issues under consideration, which is a code of conduct for officers and directors, standards for impeachment and removal of those officers and directors and policies relating to increasing candidate vetting. We've already started. The research and analysis of those issues is well underway. I did want to give everyone an update that we have retained counsel to assist us on the code of conduct and removal issues - that's our general counsel, Ross Fischer - as well as working with the in-house legal department. And we've also already begun working on the candidate vetting issue. And because I don't - I want everyone to kind of have a big picture of what's going to be coming as soon as potentially next quarterly meeting. On the candidate vetting front, we are working on an objective, essentially an application/disclosure form that would allow both the board members as well as members of the bar in general to have objective information collected about the candidates that both of them have to fill out so that everyone can see the background information and understand who they're voting for and it'll have appropriately worded disclosure questions. We're working on that. It's going to be a lot of work to get it right. We're be working with the Nomination Subcommittee as part of that process. But that will be coming either, you know, next meeting or certainly by the following. So with that context aside, that's what we've been spending most of our time and energy on. But there are two kind of what I call cleanup issues that we had raised before the special board meetings came up that I want to talk about next and focus on. And if you're looking at your board manual - let me see - I'm sorry, our board meeting agenda - let's see - Page 703 and 964 are the two provisions we're going to be talking

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about, the two policies that we're going to be amending. I think there was a PowerPoint - is that right, Lowell? - that was going to have these up so you don't have to turn to it? Perfect. All right, OK, so we have 3.07.02 up first. So this is a bit of a cleanup with respect to a lot of the out of town and out of state, really, obligations of our officers and leaders - president, president-elect, chair. You know, they have a lot of obligations on behalf of the state bar, other than coming to these quarterly board meetings. A lot of times, they're being asked to go to the American Bar meeting or, you know, these national board and organizations. And when they do that, for the longest time, we've allowed them to bring a companion or spouse, and we've reimbursed the airfare for that person. So we do it for the president, president-elect, the chair, immediate past chair, public members, out-of-state liaisons, judicial liaisons. But we did not have the state bar executive director in there. We've looked into this, and we believe that it's appropriate for the executive director who has significant obligations - when we get out of COVID, of course - significant obligations that are travel related, that whether, you know, our current or future executive director wants to bring their spouse or companion on those, since they're going have to be out or wait so long, that they should be within the category of people who are eligible for that issue. Let's go ahead and jump to the second one, if we could, Lowell. That way, you have an idea of both of them. The second one, again, is also part of 3.07. Here, we had a situation to where the policy manual currently says that for the upcoming fiscal year, the executive director has to prepare and submit the reimbursement policies and procedures to the board Audit and Finance Committee. Well, we have a situation to where, you know, those procedures really haven't changed for several years. And yet we have this deadline, you know, of June 1 every year for that document to go to the committee. Well, they have it. It's part of the board materials. you know, why do we have that rule in place? And if you take a step back for a second, what the policy committee ultimately decided was, why are we tying it to this one point in time every June 1 one of every year as opposed to saying, any time you make a substantive change or revision to the reimbursement policies and procedures, you should give it to the Audit and Finance Committee within 30 days? In other words, if you submitted last year's by June 1 and you change something on July 1, you need to get it to the committee within 30 days, not get to wait an entire year to say, oh, by the way, I changed that a month in the fiscal year. So this is providing, we think, a more common sense approach to if and when a reimbursement policy changes, make sure and get a copy to the Audit and Finance Committee as a part of their oversight obligations. So really, what we're talking about this time around are just a couple of cleanups versus what will be coming soon, which are going to be much more substantive and I have no doubt addressed by this board in great detail. So with that, I will start with the first one. If you want to backup, Lowell, and go on behind. We'll start with the reimbursement for spouses or companions. And Mr. chair, I move that we amend Section 3.0702 to allow the state bar executive director to be one of the persons eligible for reimbursement of spouse or companion airfare cost.

CHARLIE GINN: Coming a committee, it needs no second...

UNIDENTIFIED PERSON: Oh, nevermind.

CHARLIE GINN: Is there any discussion? I see Director Fischer. You have your hand up. Yes, sir? Please unmute yourself.

STEVE FISCHER: I just have a question. The public directors and public members were included. What about the other directors, the regular, you know, board? I mean, would they be allowed maybe even

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once a year to bring a spouse? Some of us don't live close to the meetings. I just want to know if there was any talk about that, Adam, or any discussion.

ADAM T. SCHRAMEK: There was not any discussion of that point. This was an issue that apparently had come up before about the executive director not being - because, I think, typically on these other items, it's primarily out-of-state travel that the other officers are doing, and so that was kind of where the need was. So we did not address or discuss anything about whether or not we should add directors to that list.

STEVE FISCHER: Good enough.

CHARLIE GINN: Any other discussion? Hearing none, seeing none, we have a motion on the floor. All those in favor, please respond by saying aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes unanimously.

ADAM T. SCHRAMEK: Great. So if we go to the second one, I next would like to make a motion to amend Section 3.07.01 of the policy and procedure manual to change the requirement such that the - any changes to the reimbursement policies and procedures made by the executive director shall be submitted to the board Audit and Finance Committee within 30 days of that change.

CHARLIE GINN: Coming from a committee, it does not require a second. Any discussion? Hearing none, all those in favor, please say aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: All of opposed, please say nay. Hearing none, the motion passes unanimously.

ADAM T. SCHRAMEK: And that's all we have this time around, Mr. chair. Thank you.

CHARLIE GINN: Thank you, Director Schramek, for your work and for your committee's work on this item. Number 16 is my friend Director Steve Naylor. Director Naylor, the floor is yours.

STEPHEN J. NAYLOR: Thank you, Mr. chair. Well, I know we're very late and it's late and everybody's tired. This one's pretty long and a lot we've people have waiting for it. We have several action items. Our report today is especially important as it contains various disciplinary rule proposals and a recommendation for the board to consider approving a procedure for a rules vote or referendum - I know we don't want to use that word - to submit to the Supreme Court of Texas. The materials for our report were posted in BoardEffect and I hope everyone had a chance to review them. To give you a little background information, the DCAP Committee is an acronym for Discipline Client Attorney Assistance Program. We are a board committee that works with the chief disciplinary counsel and the Commission for Lawyer Discipline to monitor the policies and procedures of the disciplinary system. We also review proposed amendments to the Texas Display Rules and Display Rules of Procedure, as submitted by the committee on Disciplinary Rules and Referenda or CDRR. As a result of that, we make recommendations to the board on these proposed amendments. There are a number of steps in this process to amend disciplinary rules and I will summarize them briefly for everyone's memory. The first step is that the CDRR studies the disciplinary rules and Disciplinary Rules of Procedure and makes recommendations to the board. The CDRR conducts public hearings, and they go to great efforts to obtain public feedback on

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their work. Among other things, they publish their proposals in the Bar Journal, The Texas Register, on their website, and they email membership about their progress. Once the proposals reach the board, they are studied by our committee, as mentioned earlier. We will recommend to the board whether they should be approved, disapproved, sent back to the CDRR. If the proposals are approved, we submit a petition to the Supreme Court asking them to order a rules vote. The Supreme Court will issue an order for a rules vote, which will identify the rules that are included in the vote, the format of the ballot, and a schedule for when that ballot occurs. We then conduct a rules vote where eligible members of the bar have an opportunity to vote on the proposals. After the vote has been completed, the Supreme Court may approve, reject a rule in its entirety or if it does not vote within 120 days, they are considered approved. That's the high-level overview over. The last year and a half or so, the board has reviewed and approved several proposals submitted to the CDRR. In your packet under the DCAP tab is a documentable summary of proposed rules. Let's pull that document up on our Zoom screen so we can all look at it. And I believe Chielsey is going to share that with us. Thank you. As you can see, there are six proposed amendments that have been approved by the board through this past June. These items are listed here, along with a brief explanation of each proposal. We are not going to talk about these items today in detail because we've already done that and they've already been approved. But we wanted to show this to you to give you a big picture perspective. The last two items on the document will be considered by the board today. We also included a complete red line of all rule proposals in the board packet so that you can see the complete set of rules line by line. As this - that leads me to the action item 16 2A. On the board agenda under DCAP, consider discussed approval of proposed Rule 1.05C10, the Texas Disciplinary Rules of Professional Conduct relating to confidentiality of information in clients contemplating suicide. The proposed rule only gives the lawyer permissive option of disclosing confidential information when the lawyer has a reasonable belief it is necessary to prevent the client from dying by suicide, thereby protecting the lawyer from professional discipline under such circumstances. A lawyer is not required to disclose confidential information under the proposed rule nor is the lawyer required to make a medical determination. The current rules do not give a per se exception to reveal confidential information in these situations, so the new rule will provide clarity for lawyers. Mr. chair, on behalf of the DCAP Committee, I'd like to make a motion to approve proposed Rule 1.05C10 of the Texas Disciplinary Rules of Professional Conduct relating to confidentiality of information and clients contemplating suicide.

CHARLIE GINN: Coming from a committee, it does not require a second. Is there any discussion? Seeing no hands, hearing no comments. All those in favor, please respond by saying aye.

BOARD OF DIRECTORS: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes.

STEPHEN J. NAYLOR: Thank you, Mr. chair. The next item is number 16-2B under the DCAP agenda. Consider and discuss approval of proposed amendments to Rule 8.03 of the Texas Disciplinary Rules of Professional Conduct and Rules 1.06 and 9.01 of the Texas Rules of Disciplinary Procedure. The proposed amendments expressly extend self-reporting and reciprocal discipline provisions to cover discipline by a federal court or federal agency - excuse me. The proposals also define discipline by a federal court or federal agency to mean a public reprimand, suspension or disbarment. But they clarify that the term discipline does not include a letter of warning or admonishment or a similar advisory by a federal court or federal agency. Additionally, the proposed self-reporting and reciprocal discipline

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provisions are not applicable to mere procedural disqualifications in a particular case before a federal court or a federal agency. On behalf of the DCAP Committee, I'd like to make a motion to approve proposed amendments to Rule 8.03 of the Texas Disciplinary Rules of Professional Conduct and Rules 1.06 and 9.01 of the Texas Rules of Disciplinary Procedure relating to reporting professional misconduct and reciprocal discipline for federal court or federal agency discipline.

CHARLIE GINN: Coming from a committee, it does not require a second. I do see a hand, Director Lydia Mount, for discussion. Director Mount, the floor is yours. Lydia, make sure you're off mute.

LYDIA ELIZONDO MOUNT: I got it, thank you. I had a question with regard to federal agency. There were some notes from members of the public that they were concerned about federal agency action. If anyone does a search for federal agencies in the United States of America, you will find that there are over 450. There's about 456 federal agencies. Is there any way to limit in the proposed changes which federal agencies we are referring to? Because it seems that there was some concern that a person could somehow be disciplined in their legal profession for something that happened - that had absolutely no relation to their work as an attorney. And so I want to just make sure that we are clear with regard to what it is that needs to be self-reported, because the term federal agency is really, really broad, considering that we have 456 federal agencies in this country.

STEPHEN J. NAYLOR: I will try to address that. We - there was a lot of discussion in our committee - and my committee members that are on, if they remember differently - we did discuss it. But there was no recommendation by any member to try to draft a limited number, because I guess we would have to go through the 456 - did you say? - and say 450 of them are included or, you know, 450 are excluded. There was no discussion about limiting agency. I think if it qualifies as, you know, a discipline, then it's - no matter what the agency is, if it qualifies under that definition of the - we expanded the definition, try to make it very clear on what discipline was - being disciplined - that it would fall under this rule. Ray - I'm hoping it was on. Ray, do you remember anything else, any other comment about this?

RAY CANTU: No, that's what I remember. Steve and I think Brad Johnson is on as well...

STEPHEN J. NAYLOR: Yes.

RAY CANTU: ...The attorney for CDRR. And Brad, do you have any other explanation?

BRAD JOHNSON: Thank you, Ray. Can you hear me OK?

STEPHEN J. NAYLOR: Yes.

CHARLIE GINN: Yes, we can.

BRAD JOHNSON: Great. Thank you, Steve, and thank you, chair. To answer that question - and just to clarify, I'm Brad Johnson. I'm the staff attorney to the Committee on Disciplinary Rules and Referenda. I don't believe that there was any discussion about naming each federal agency to which this would apply. But I would note that there is a definition of what constitutes professional misconduct in the disciplinary rules. So if it doesn't meet that definition, it wouldn't implicate this rule. So yeah, I think there was an example of, like, getting a ticket maybe at a national park or something that has nothing to do with the practice of law - that wouldn't be covered by the proposal.

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LYDIA ELIZONDO MOUNT: And that's what I wanted to make sure, is that if an individual - and I'm sorry, Mr. chairman. I think I spoke out of turn. Oh, OK. So I just want to make sure that if somebody were to look for an attorney on the state bar website and they saw that there was discipline reported, self-reported by an attorney, that would probably be alarming. And so how is there a distinction between self-reporting that a person got a citation from either the National Park Service or the Fish and Wildlife Service? How does a person who doesn't know - or a member of the public, somebody who's maybe not familiar with all of the intricacies in these rules, how do they distinguish that, well, this person, they got in trouble for fishing without a license, as opposed to this person got in trouble for something they did with regard to the representation of a client in state or federal court? Because if they have an obligation to self-report something like that, that maybe isn't very clearly stated out but they report it because they fear that they're under an obligation to do so, how do we stop that from damaging a person professionally? I'm just - and I think my real concern here is that the term federal agency is so broad, that somebody might feel they have to report and then that's on their record with the state bar. And it really shouldn't be because it has nothing to do with their ability to properly represent their client or with their conduct in court.

STEPHEN J. NAYLOR: I'll try to answer for her and then Brad can correct me. But it's going to be very similar to your own self-reporting of what you understand about the Texas rules. If you are worried about that, you may need to report something, you probably need to reach out to someone in the bar and get clarification to see if it falls under something that you need to report. As far as a citizen saying, well, I want to make - why weren't they reported? I mean, I'm pretty sure they run into this when they say, I know my neighbor filed a grievance against this lawyer for mishandling their divorce and when I look online, I don't see it. Well, that's because it was found of no merit. But I believe the - if some of this burden will fall to the lawyer, that if they are not sure, to reach out and get clarification on whether they should report it. Brad, am I my way off base here.

BRAD JOHNSON: That's correct, Steve. And I would just add that there's really two components to this. The first is the reporting of the discipline, which is covered by the disciplinary rules of professional conduct. That doesn't trigger any kind of notification on the bar's website that an attorney's been disciplined, you know, in any jurisdiction. That's simply a report that, you know, if you - currently, the rule reads that if you're disciplined by the attorney regulatory agency of another jurisdiction, that you have to report that to the chief disciplinary counsel's office within 30 days. But there's no automatic notation on the bar's website or anywhere else about that. Now, that could trigger the reciprocal discipline provisions that we're talking about if that kind of conduct would constitute professional misconduct in Texas, but it sets the process in motion. There would still have to be an adjudication in Texas. And only at that point, once there was some kind of adjudicate, you know, order here imposing reciprocal discipline would there be anything posted publicly on the state bar's website.

CHARLIE GINN: Director Tolchin...

LYDIA ELIZONDO MOUNT: I guess my final question is, is there any way to be more specific with regard to federal agency?

STEPHEN J. NAYLOR: Well, I don't believe so, because, again, unless we sit down and go through every agency. But even then, what if that agency has the ability to issue some type of professional misconduct finding? I think that we're going to have to rely on the definition of professional misconduct and the

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actions that we have defined in here. But I'll wait and see Brad or Ray or someone has a different opinion.

CHARLIE GINN: And Director Matt, after that, you're welcome to raise your hand again. But I'm going to work to first some other folks to ask some questions after this, OK? You're welcome to get back in the queue, though. Brad, did you have any follow-up to that?

BRAD JOHNSON: Yeah, the only thing I would add is that was the - you know, the form that it's in is the way that the Committee on Disciplinary Rules and Referenda recommended it during the drafting stage. But, you know, again, and the report would be to the chief disciplinary counsel's office, which, you know, generally, everything is confidential, dealing with the chief disciplinary counsel's office as opposed to bar membership generally. But no, this is the version that the committee ultimately voted to recommend.

CHARLIE GINN: Director Tolchin, the floor is yours.

ANDREW TOLCHIN: I'm just curious if this is retroactive or a going forward kind of thing.

STEPHEN J. NAYLOR: It will be going forward. Correct, Brad?

CHARLIE GINN: Brad, you're muted.

BRAD JOHNSON: OK, unmuted now. That's correct. You know, I assume if this did pass a referendum vote and the Supreme Court issued an order adopting this or any other rule changes, it would not take an effective date. But that's right. I would foresee this only being going forward.

CHARLIE GINN: Director Harris, you've got the floor.

AUGUST HARRIS: Just a quick question, is there a penalty for failure to self-report?

CHARLIE GINN: Brad, that's probably for you.

BRAD JOHNSON: So under the current Disciplinary Rules of Professional Conduct, there is a rule in place that says you do have to self-report discipline issued by the attorney regulatory agency of another jurisdiction, and that's in place now currently. You know, the way it's worded, it would apply to other state bars. This would simply extend out to, you know, federal courts and federal agencies. But yes, if someone did not report timely, then theoretically, they could be subject to agreements and discipline for failing to report.

AUGUST HARRIS: Thank you.

CHARLIE GINN: Director Wilson - Kimberly Wilson, the floor is yours.

KIMBERLY WILSON: Thank you, chairman. I think - and I don't know if this addresses Lydia's - Ms. Mount's concern but just the definition of professional misconduct includes attorney conduct. So just to clarify and make sure that that I understood - and I was brand new on the committee when we brought this forward - that the requirement for a reporting is for professional misconduct, which is defined as attorney conduct so not if you get a ticket fishing on the lake. is that right, Brad?

CHARLIE GINN: Brad, is that correct?

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BRAD JOHNSON: That's absolutely correct. It would have to meet the definition of professional misconduct in the Texas Rules of Disciplinary Procedure. If it was unrelated to the practice of law, then that would not be relevant to these rule changes.

KIMBERLY WILSON: And I think that - I don't know, Ms. Mount, if that addresses your concern. I'm sitting here, looking at the definition of professional misconduct in our board information, which - you know, 1,045 pages. So - and I think we kept saying that's defined, but it specifically defines it as attorney conduct. So to me, that helped me not be concerned about what federal agency might discipline but that it would be disciplined for attorney conduct. So I hope that helps clarify.

CHARLIE GINN: Director Schramek, you've got the floor.

ADAM SCHRAMEK: Well, Director Wilson, I think, stole my thunder. But I agree that this is all in the context of professional misconduct. So you're acting in your capacity as an attorney representing the client. And I don't think we would want to line item the federal agencies because an attorney can represent a client before any federal agency if they have an issue. This is really talking about what the attorney is doing when they're appearing in those federal agencies or before a federal court that this rule is getting at. And so I don't think we should line item or try to remove any. I think it's appropriately worded, and I think it makes a lot of sense. And it's just a self-reporting requirement so that the Texas officials can determine whether or not they think additional action should be taken based on the facts and circumstances. So it's not like we're impeding the prosecutorial discretion they have at any given time. They just want to make sure they know about it.

CHARLIE GINN: Director Dawson?

ALLISTAIR DAWSON: I call the question.

CHARLIE GINN: All right. All those in favour please respond by saying aye.

UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: Any opposed? All right, hearing none, the motion passes. Director Naylor, you have anything else for us? Steve, you could be on mute, man. I'm just guessing.

STEVE NAYLOR: All right, I'll move forward. It said you had muted me, so I was waiting for you to unmute me. I apologize before we move on. Yes, we do have several more things. I'd like to thank the CDRR for all their efforts over the past year and a half. They meet monthly - on a monthly basis and have put in a lot of volunteer time and work on these proposals. They are very thoughtful and deliberate, and they've done an amazing job in getting this information to us. It's through their diligent efforts that we have a good package of rule proposals that we can move forward to the Supreme Court and the state bar. Now, item number 16.2C, the - if your board material is your resolution for your consideration. I'll ask Chelsey if she can put that up on the share screen for us. Thank you. The resolution specifies all the rules that have been approved by the board since April of 2019. The rule proposals just approved by the board a few moments ago are included in this resolution. The resolution calls for the consideration of the following items - that the board of directors petitioned the Supreme Court of Texas, pursuant to the Texas government code section, to order a referendum on the proposed amendments by the eligible members of the state bar. If the board approves this resolution today, the state bar will submit a petition to the court on Monday for consideration of all these items. Please note that these are just

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recommendations that we are making to the court. They certainly can make changes toward recommendations pertaining to how we conduct the rules vote if they wish. Also, the resolution calls for approval of the proposed ballot form for a referendum, as included in Appendix A, which will be distributed to the eligible members of the State Bar of Texas and paper ballot format and electoral format. Chelsey, if you can put up exhibit appendix eight, which is a sample form of the ballot. Thank you. The ballot is similar to formats that we have used in the past. It is clear and concise and allows the members to simply vote yes or no on each proposed amendment. It is not a one or none deal. Our committee had a long discussion on the method of voting for the election. Traditionally, the bar has used paper and electronic ballots for its elections. We considered using only an electronic ballot at this time as we are generally moving that direction. However, we decided that for this particular vote, we strongly recommend using paper and electronic ballots to ensure that all lawyers have easy access to a ballot in order to promote high turnout. The third action item on the resolution is the proposed schedule for the rules vote. After consulting with staff, we determined that a February start was optimal, because it would give us several months of time to continue educating our members about the proposed rules. The resolution in your more packet has a start date of February 2nd and an end date of March 4th. On behalf of the DCAAP committee, I'd like to make a motion to approve the following items as contained in the board resolution - one, that we petitioned the Supreme Court of Texas to order a referendum on the proposed amendments approved by the state bar board, the proposed ballot form for a referendum, as included in Appendix A of this resolution, and that the ballots be distributed to eligible members of the State Bar of Texas and paper ballot format and electric ballot - electric form, that the referendum began on February 2nd and end on March 4th, 2021.

CHARLIE GINN: Coming from the committee, there's no need for a second. Is there any discussion? Hearing that and seeing that all in favor, please respond by saying aye.

UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes.

STEVE NAYLOR: The last item on my report today is a discussion about communications plan for the bar moving forward to educate our members about these rules proposals. In your materials is a draft communications plan which gives you an idea of some of the things we want to do to get the word out about these rule proposals. The bar will conduct CLE seminars, publish materials in the Bar Journal and social media, on our website, and we will send emails to our membership. Mr. Chair, that concludes my report, but I would ask the indulgence to thank all the members of the DCAAP committee who have met on this many times, and as you were a former member of it, you know there was always some very lively discussion about some of these rules. But I would like to thank Diane St. Yves, Benny Agosto, Wendy Adele-Humphrey, Mary Elle Scott, Todd Smith, Kimberly Beth Wilson, Robert McNatt Jr., Luis Cardenas, John Again, David Kent, Yolanda Cortez Mares, Emily Miller, Amy Peace, Adams Schramek, David Souter. And I would also like to thank our state bar staff who did so much work for us and especially rake into. And that concludes my report, Mr. Chair.

CHARLIE GINN: Thank you, Director Naylor. And I will tell you that Steve and his committee - they have worked hard over the last few years. It's the same year that Director Naylor has been the chair of this, and it has been a long, long process and a tough process. And they have performed admirably. We thank you, Steve, for your work and your committee for your work. With that, we'll go to item number 16, I

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guess, B under the cloud security fund. Director Rob Crane - Director Crane, you've got the floor. Rob, you muted? Hey, Rob. You're muted.

ROB CRANE: Thank you, Mr. Chairman. The hardest working subcommittee in the State Bar of Texas met this Monday, September 21st, reviewed 13 applications for a total of \$43,905.90. To date for this fiscal year, the committee has approved applications totaling over \$142,000. Being the hardest working subcommittee of the State Bar of Texas, the members unanimously voted to add an additional meeting this year to not only consider more applications, but also to review and modify longstanding practices of the committee, to potentially extend the help of the fund, as well as how to more efficiently handle the current significant inventory of applications. And the hardest working subcommittee in the State of Texas will report back at the January board meeting. That's my report. Mr. Chair.

CHARLIE GINN: Thank you for all of your hard work, both to you and your committee. This is one of my favorite committees that we have at the state bar. I was on it for two years. I think it's a great committee. So thank you, Rob. Thank your members of your committee for working so hard. All right. Let's go to the number 17 on our agenda. The chair of the Audit and Finance Committee, director Alistair Dawson, the floor is yours.

ALLISTAIR DAWSON: Thank you, Mr. Chair. Before I begin, I have a question for you, Mr. Chair.

CHARLIE GINN: Yes, sir.

ALLISTAIR DAWSON: When referring to you by your nickname, would you prefer TT or T-squared?

CHARLIE GINN: Director Dawson, if you don't give a report, you're going to be muted.

ALLISTAIR DAWSON: All right. I will begin by saying that I bear good news. We are in good, strong financial shape. We have withstood the first six months of this pandemic. As I will go through the materials for the Audit and Finance Committee - are in Section 17 of the meeting beginning way at the bottom about page 915. So going to this stage, this shows you the total state bar general fund revenues for fiscal year 2019 to 2020. And as you can see, our revenues were just over \$44 million, and our expenses were \$40.4 million. And then the - we've got to move my screen here. The ending fund balance was \$20.39 million. Total revenues decreased by about 870,000 mostly due to the pandemic, but expenses also decreased by 460,000. The total board committed expenses were less than the prior year, resulting in an increase to the fund balance of approximately 2.6 million, bringing the total to 20 million. So we're going to break down the annual revenues and expenditures in the next two slides - if we go to the next slide, please. So this chart shows you the revenue trends of the general fund by department within the state bar for the current fiscal year to date compared to the prior two years. You can see that the top two - three revenue generators are membership dues, Texas Bar CLE and MCLE. I'm happy to report on the Texas Bar CLE - when the pandemic began, I was concerned, as the chair of the audit committee, of what that was going to do to our overall profitability and our overall budget. It turns out that the revenue for those Texas Bar CLE has gone down by 25% for the first two months of the fiscal year. However, as you'll see later, the expenses have gone down. So the net impact has not made a material difference to our budget. Turning to the next slide. So this slide shows you the expenditure trends of the general fund by division for fiscal year 2020 compared to the prior two years. The Public Protection Division shows the highest growth in expenditures due to changes made during the last sunset process. The Board Committee expenditures, the last column to the right, are varied from year to

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year, since it is a spend of the prior year excess funds from operations. This chart indicates that expenditure trends of the general fund remain stable over the last three years. And the actual expenditures, as I mentioned, of the Texas Bar CLE have gone down, because they've been able to - the state bar staff and the CLE staff have been able to work with hotels to either withdraw or modify hotel contracts and keep those expenses under control. Go to the next slide, please. So this slide shows a comparison of the operating results to the approved budget of the general fund for the prior fiscal year. As you can see, our revenues were increased by 975,000 in our expenditures were decreased or improved by 2.6 million, resulting in an overall net excess of 3.6 million. Very, very good year - last year in our financial performance. Go to the next slide, please. So this is the general fund summary for the first two months of the fiscal year, our current fiscal year. Actual revenues were 7.6 million and total expenditures were 7.2 million. You can see that both of those vary significantly from what we had in the year prior. The board committed expenditures are 2.5 million, and that consists of 1.24 million for the technology fund. The President-Elect Firth mentioned earlier, that had actually been in a prior budget but had been deferred. And so there's some catch up there, because it was taken out of a prior year's budget. There's a \$515,000 contribution to the access to justice, 225,000 to the Sheeran-Crowley Memorial Trust that we heard about earlier, 333,000 for the client security fund and 200,000 for law practice management in Texas Bar books. In comparing this fiscal year to last fiscal year, you'll see that revenues are down by 1.6 million, but expenditures are also down by 1.3 million. Go to the next fund - next slide, please. So this shows the general actual to budgeted financial reserves for the general fund, and you'll see that the actual net excess for the first two months of the current year was 332,000. And then you'll see that there's a budgeted net deficit of 1.16. And the reason that that budgeted net deficit was in there is because we were moving Texas Bar CLE expenses earlier in the fiscal year. So it's a timing issue. But the bottom line is that we're 1.4 or 1.5 million ahead a budget thus far in the financial year. So it's a long way of saying that I do not anticipate that we're going to have to have a revised budget as a result of the pandemic. And I think we can stay with our budget that we have. We're doing very well. State bar staff and particularly those in the finance department, Tracy Jarrett and her team are doing a great job at adapting to the challenges that - as a result of this pandemic. Turning to the next slide, the financial audit this year - we have a new auditor. Weaver is doing the state bars financial audit for the year 2019-2020, and it's a new firm. You all - those who've been on the board will remember that they did some internal audit work for us previously. We were very happy with them and state bar staff is very happy with the work that they've been doing. Field work for the audit goes from August through September, so it's already underway. The audit report will be presented to the Audit and Finance Committee in our January meeting and will be presented to this board for consideration at the January meeting as well. Next slide, please. The internal audit is being done by McConnell and Jones. The field work on that will begin in October and should be completed by December. The audit scope - it includes sections management controls and an audit of the chief disciplinary council's management controls and the processes as they relate to compliance with rules and policies. The internal audit will be presented to the Audit & Finance Committee at the April board meeting and be presented to this board for its consideration also at the April board. Now I want to talk about our investments. Each year in this meeting, a representative from the state bar's investment manager, PFM Asset Management gives a presentation to the board on our investments. Prior to making this investment, or providing this investment presentation today is Barry Baughier, who serves as a director with PFM. Mr. Baughier has over 17 years of experience working with local governments. He's a graduate of A&M University-Commerce with a BBA and MBA. We won't hold that - us Longhorns won't hold that against him. He

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does a good job. And these licenses are required before an individual is authorized to solicit orders for securities. Now turn it over to Barry for the investment manager annual presentation to the State Bar of Texas. Barry, would you walk us through the investment presentation, please?

BARRY BAUGHIER: I'd be happy to. Thank you, Mr. Dawson, Mr. Chairman, members of the board. Thank you so much for the opportunity to be with you here today. What you have in your packet - I'd like to cover just a couple of things. You have your August 2020 investment reports, and then you also have a broker dealer list that you're looking to approve as an action item in Section D. I'll speak briefly about both of those. But copies of the state bar's August 2020 investment reports are included. The general fund is currently invested in U.S. Treasuries, federal agency securities, commercial paper and FDIC insured CDs, as well as triple-A rated money market mutual funds. Overall, the portfolio of approximately 45.3 million is very liquid and maintains a very high credit quality. For the period ending August 31st, it generated a quarterly return of 0.13%, which actually outperformed its benchmark, the 6-month Merrill Lynch Treasury index of .06%. We continue to work closely with finance division staff to monitor opportunities within the portfolio to ensure safety, liquidity and yield on behalf of the bar, in that order. Moving forward, that investment horizon - as you know, the climate has changed a great deal since COVID has come about, since March and April. We are in very low interest rate environment, which we were in for several years between 2009 and 2015. We do expect rates to continue to stay low for the next few years, possibly through 2023. That being said, there's still opportunities to invest in the fixed-income market, and we will continue to seek those out for the state bar. We work with the bar through a contract that is referred to as nondiscretionary, meaning that we do not execute trades without the authorization of finance division staff. We operate under the investment policy of the state bar, which is further governed by Texas local government code 2256. We're very excited to continue working with the state bar. I feel like we have a great relationship with the staff there, and we're looking forward to continue to work with you in the year ahead. That will conclude my remarks regarding the investment report. Moving ahead, I wanted to tell you briefly about our broker dealer list that you have in the next item. You're required to review and approve that annually under the guidance of the Texas local government fund, I'm sorry, Texas local government code 2256, the Public Funds Act. But briefly, regarding our broker dealer list, as we maintain that approved broker dealer list, we have established policies and procedures to evaluate and monitor the firm's credit worthiness and their ability to perform the duties necessary for efficient trade execution. Our Fixed Income Credit Committee assesses many important factors, including market presence, capitalization, company history, profitability management, product availability, trade execution, timeliness in information, quality of service and personnel, and special circumstances, such as qualified minority women owned business enterprise firms when we evaluate who gets on this list. These are the firms we execute trades for on behalf of the bar. As an independent investment advisor, we work with them on your behalf. We don't inventory securities ourselves. We work with these firms to deliver securities to your third-party safekeeping agent for your portfolio. But you are required to approve this list on an annual basis, so we present it for you today. With that, Mr. Dawson, I will pass it back to you.

ALISTAIR DAWSON: Thank you, Barry. Mr. Chair, on behalf of the Audit & Finance Committee, I make a motion to accept the August 2020 state bar quarterly investment reports.

CHARLIE GINN: Coming from the second, no, excuse me, coming from the committee, no second is required. Is there any discussion on this matter? Hearing none, seeing none. All those in favor, please say aye.

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UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: Any oppose? All right, the motion passes.

ALISTAIR DAWSON: Mr. Chair, according to the Public Funds Investment Act, the board must approve the state bar's Public Funds Investment Act trainers on an annual basis. Included in your board packages, a write up of the training offered by Texas State University. On behalf of the Audit & Finance Committee, I make a motion to approve this entity to provide Public Funds Investment Act training for state bar staff.

CHARLIE GINN: Coming from a committee, no second is required. Any discussion? Hearing none, seeing none. All those in favor, say aye.

UNIDENTIFIED PEOPLE: Aye. (BLANK) Created:10/26/2020 6:36:24 PM Show Name:

CHARLIE GINN: Any nays? Hearing none, the motion passes.

ALISATR DAWSON: Mr. Chair, the Public Funds Investment Act requires that the board annually review and adopt a list of qualified brokers that are authorized to engage in investment transactions with the state board. As mentioned, a list of the qualified brokers is in the board packet. These brokers comply with security and exchange commission requirements. On behalf of the Audit and Finance Committee, I make a motion to adopt the current PFM dealer-broker list for investments, which is included in your board packet.

CHARLIE GINN: Coming from a committee, no second is required in discussion. Hearing none, saying none. all those in favor please say aye.

UNIDENTIFIED PERSON #1: Aye.

UNIDENTIFIED PERSON #2: Aye.

UNIDENTIFIED PERSON #3: Aye.

UNIDENTIFIED PERSON #4: Aye.

UNIDENTIFIED PERSON #5: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes.

ALISATR DAWSON: And Mr. Chair, I think I have two more motions. The Public Funds Investment Act requires that the board adopt the state bar's investment policy on an annual basis. A copy of the investment policy is in the board packet. This policy has no revisions from the policy that was approved by last year's board. On behalf of the Audit and Finance Committee, I make a motion to approve the adoption of the state bar of Texas investment policy.

CHARLIE GINN: Coming from a committee, it requires no second. Any discussion? Hearing none, seeing none, all those in favour please respond by saying aye.

UNIDENTIFIED PERSON #6: Aye.

UNIDENTIFIED PERSON #7: Aye.

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UNIDENTIFIED PERSON #8: Aye.

CHARLIE GINN: Any Opposed? Motion passes.

ALISATR DAWSON: And I believe what is my final motion was mentioned earlier. The Audit and Finance Committee and the Board Policy subcommittee reviewed a proposed change to the board policy manual regarding purchase orders. The board policy manual currently requires that all items costing \$500 or greater must be purchased through a purchase order. This requirement causes a significant amount of state bar resources to implement resources that would be better committed to (unintelligible) elsewhere. As a result, the proposed change revises board policy manual Section 3.06.08 to read as follows, the executive director shall periodically establish a purchase order threshold not to exceed \$25,000 and shall publish the threshold amount in the State Bar Procurement Guide. A purchase order shall be issued for any item costing more than the threshold amount. And I will advise the board that the initial proposed threshold amount is \$5,000. I will also advise the board that this language has been approved by the policy manual subcommittee. And finally, I will advise the board that making this change doesn't change anything about the - who has to sign off on any purchases. It doesn't change anything about who has to approve purchases. It's just taking away the ability - or the requirement to use purchase orders. So on behalf of the Audit and Finance Committee, I hereby make a motion to adopt the proposed changes to Section 3.06.08 purchase order system of the Board of Policy manual that's presented in the board materials and as I have read here today.

CHARLIE GINN: Coming from a committee, it requires no second. There is a discussion hand raised. I see Director Forbes. Lucy, you have the floor. Lucy, unmute yourself.

LUCY FORBES: All right. I have a question for Director Dawson, and he may have answered it. But, wow, that's a big jump - from 500 to 25,000. That just seems like a huge jump. Can you please explain?

ALISATR DAWSON: So my understanding is that the \$500 requirement has been around for - I don't want to give away - a state bar staff member who said it's been around since as long as he or she has been there. And he or she has been there for, like, 30 years. I don't want to say who it was. It's just antiquated, Lucy, and nobody uses purchase orders to buy \$500 or \$750. I would, frankly, need to ask Director Schramek to - it was his committee that came up with the language. I think that the reasoning - and he can correct me if I'm wrong - is that - so that they don't have to go back and change it in the future. This gives the executive director the authority to set it up to 25,000. But as I mentioned, the initial requirement, as I understand it, would be 5,000. But rather than have to revisit this issue over time, they've given the executive director that discretion. And Director Schramek can correct me if I'm wrong.

CHARLIE GINN: Director Schramek, do you have anything to add to that?

ADAM SCHRAMEK: Sure. We looked at several different ways to do it. We, at one point, were saying we could put a, you know, kind of a cost-of-living increase, you know, on it, kind of as things go up. Ultimately, where we landed is several of us are on nonprofit boards that have significant budgets. And we kind of polled each other informally and found that \$25,000 was kind of the limit that had been put on a lot of nonprofits. And then Trey was there when we were having this discussion and, you know, he thinks \$5,000 is the right amount. And so the idea is, you know, we're going to give this broad range. You're never, you know, you're not going to exceed 25,000 without board approval. But honestly, we

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don't think we're ever going to get there - not in the near long term. Probably, you know, not until we're way off this board. So it was to give the flexibility, you know, to the executive director to make that decision and he can do it based on, you know, kind of the experience and needs.

LUCY FORBES: The \$5,000 provision, where is that one?

ADAM SCHRAMEK: No, it's not in there.

LUCY FORBES: Oh, I see it. OK.

ADAM SCHRAMEK: Yeah. I'm just...

LUCY FORBES: It's a previous provision - I mean, it's a previous one. OK.

ADAM SCHRAMEK: Yeah.

LUCY FORBES: Thank you.

CHARLIE GINN: All right. Director Harris, you have the floor.

AUGUST HARRIS: And this goes to Lucy's question a little bit. I think one of the other discussions that we had was that it's consistent with other state agencies.

CHARLIE GINN: Director Calvillo, you have the floor.

DAVID CALVILLO: Yes, this is this is addressing Lucy's concern. There are also other internal controls that act as a, yet, another safety net. Typically, you have purchase orders as a one component in the system of internal controls and there are others that are in place. So your question is very well placed but I think there's other controls as well.

LUCY FORBES: Thank you so much. Thank you.

CHARLIE GINN: All right. There is a motion on the floor. All those in favor, please respond by saying aye.

UNIDENTIFIED PERSON #1: Aye..

UNIDENTIFIED PERSON #2: Aye.

UNIDENTIFIED PERSON #3: Aye.

UNIDENTIFIED PERSON #4: Aye.

CHARLIE GINN: Any opposed? Hearing none, the motion passes.

ALISTAR DAWSON: That concludes my presentation, Mr. Chair.

CHARLIE GINN: Alistar, you and your committee have worked extremely hard on this. This is tough work and we appreciate the dedication that you've shown. Because we like to have long meetings, we are in danger of losing our broadcast again, so we're going to take a quick five-minute break. We're going to get a new broadcast link. Directors need to stay put where they are. All Right. Don't touch anything. All right. August, don't touch your computer or your dial. All right. Don't touch anything. If you're watching, great. We'll have a new link and we will take a short restroom break as well. So it's 4:20 now. Why don't we call at 4:20 when we come back - 4 2 0. See y'all in seven minutes. OK. It is 4:20 and we are calling it

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back into order. If you're watching on YouTube, all you have to do is refresh your browser, so please do that. But we're calling the meeting back to order and we're going to go to my good friend, Director Emily Miller on agenda number 18. Director Miller, the floor is yours.

EMILY MILLER: All right. Thank you very much, Chairman Ginn. Our subcommittee report for the Legislative Policy Subcommittee was posted to BoardEffect on September 11, and is posted with the board materials on the website and summarized in a chart in the second tab. Please navigate there if you would like to follow along. The Legislative Policy Subcommittee met via Zoom on three dates - August 10, August 12 and the 14th - to consider the proposals submitted from the sections. We received proposals from six sections - including business law, entertainment and sports law, family law, juvenile law, LGBT law and real estate probate and trust law or REPTL. On our final day, we heard from members and representatives from other sections who wish to speak against or comment on the proposals. The legislative submission and review process is set out in Section eight of the board policy, and requires that sections circulate proposals to all other sections and committees for review and or comment - review by our legal counsel, a live or Zoom presentation to the subcommittee, analysis by the subcommittee, recommendations by our committee and presentation at today's board meeting. The Legislative Policy Subcommittee report includes a table of contents with the captions of the proposals, all the submission materials received for each proposal and the subcommittee's recommendations. Per board policy, in making our subcommittee recommendations, we took the following votes. Number one, that each of the policies conform with the requirements of Section 8.01.03 of the board policy. If the proposal passes the first question, the subcommittee votes to recommend whether to support, remain neutral or oppose the proposed legislation. We did not have any request to oppose legislation, so our recommendations today are to either allow these sections to support the legislation or to remain neutral. We'll be making those same two motions on each proposal today. The Legislative Policy Subcommittee recommends support of 26 of the proposals, and one in the name of the entertainment and sports law section and remain neutral on one proposal from the family law section. One proposal was withdrawn by the REPTL section. Business law brought us one proposal, which we voted to support. Entertainment and sports law had one proposal, which we voted to support as well, in the name of the entertainment and sports law section. Family law had 12 proposals, and we supported 11 proposals and voted to remain neutral on one. Juvenile law brought one proposal, which we voted to support. LGBT law had two proposals and we voted to support all LGBT proposals. REPTL had three real estate proposals and seven estate planning proposals, with one being withdrawn. We voted to support all REPTL proposals. First, I will make the procedural motion that all the proposals complied with our policy and then we will move to the positions on the proposals themselves. Mr. Chairman, I move to adopt the Legislative Policy Subcommittee's recommendation that the 27 proposals included in our report comply with Section 8.01.03 of the board policy.

CHARLIE GINN: Coming from the committee, it requires no second. I see no hands for discussion. All those in favor, please respond by saying aye.

UNIDENTIFIED PERSON #5: Aye.

UNIDENTIFIED PERSON #6: Aye.

UNIDENTIFIED PERSON #7: Aye.

UNIDENTIFIED PERSON #8: Aye.

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CHARLIE GINN: Any opposed?

YOLANDA CORTES MARES: Aye.

CHARLIE GINN: I hear one nay. And Director Cortes Mares, did I understand you to say nay there?

YOLANDA CORTES MARES: I said I but I meant to say nay.

CHARLIE GINN: Fair enough. All right. So we have one nay vote and motion passes. Director Cortes Mares, you had your hand up for some discussion. Did you have something you wanted to say?

YOLANDA CORTES MARES: I do, and this is in reference to the LGBT law section proposals that are...

CHARLIE GINN: Director, this was the procedural - Director Cortes Mares, this is just the procedural portion. So I think that that might be better kept for the next motion that's about to arise. Is that OK?

YOLANDA CORTES MARES: OK. I'll hold it. Yes.

CHARLIE GINN: OK. Thank you very much, I appreciate it. Motion passes. Director Miller, your floor.

EMILY MILLER: Thank you, Mr. Chairman, and thank thank you, Ms. Cortes Mares for waiting for just a moment. If there are no objections, I will now make a motion to adopt all of the Legislative Policy Subcommittee's recommendations to the group, unless there are any members that wish to discuss the provisions individually. And it sounds like, Ms. Cortes Mares, you'd like to discuss a proposal individually.

CHARLIE GINN: And let's say this, Director Cortes Mares, aside from the - I believe you said with the LGBT section, is that correct?

YOLANDA CORTES MARES: That's correct.

CHARLIE GINN: Sixteen and 17 - outside of those two, are you OK with the remaining designations going forward or is it just those two you want to discuss?

YOLANDA CORTES MARES: So the answer is yes to your compound question (laughter).

CHARLIE GINN: Fair enough. Fair enough. All right. Any other discussion about any of the motions aside from the LGBTQ? All right. So I guess, Director Miller, maybe another motion that for the rest of them, I guess, with those out of it. Is that OK? Are you OK to do that?

EMILY MILLER: Yes sir, Mr. Chairman. Before we get into that discussion, I will make a motion on the remainder of the recommendations, and that is all the proposals other than the two LGBT-section-legislative proposals.

CHARLIE GINN: All right. Coming from the committee, there is no need for a second. Is there any discussion on the remaining? Hearing none, seeing none, all those in favor, please respond by saying aye.

UNIDENTIFIED PERSON #1: Aye.

UNIDENTIFIED PERSON #2: Aye.

UNIDENTIFIED PERSON #3: Aye.

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CHARLIE GINN: Any nays? The motion so passes. OK. So let's go back to those two, and Director Cortes Mares, I understand you have some discussion, so you have the floor.

YOLANDA CORTES MARES: Thank you, Mr. Chairman. The tab 16 and 17 that are proposed by the LGBT section are ideological and political. There are references to two cases in Mark Adams Brown letter that merit some discussion. Obergefell simply stands for the holding that U.S. Constitution requires states to recognize same-sex marriages. Lawrence is a case that involves two males and their ability to express themselves in a private setting. What these tabs 16 and 17 do or attempt to do is to extend these two U.S. Supreme Court cases to a vast majority of the Texas family code involving children. And I do not see where these holdings - these two Supreme Court case holdings do that. We are required to follow the law, of course, and we're required to uphold justice and the administration of justice. But furthering these two cases, expanding the definition of these two cases and the intent of the Supreme Court in these two cases to require a substantial overhaul of the Texas family code that involves all the definitions involving children is definitely taking it way above a simple interpretation of these two cases and a simple application of these two cases. And in so doing, I believe that that would be an ideological or political position and I would urge my fellow directors to take a look at the extensive letter that Mark Adams Brown wrote. While I don't agree with the entire letter or his entire position, I think it's a very valid point that he is making with regards to Lawrence and Obergefell cases as they relate to extending those cases to children. And I don't believe those cases do extend to children. So that is my position on this and I would welcome input from other directors.

CHARLIE GINN: Director, Kim Wilson, you have the floor.

KIMBERLY WILSON: Thank you, Chairman Ginn. I'm a family law practitioner and I would say that the requested changes with regard to the family code are something that as a practitioner, in light of Obergefell, are a long time overdue. So I recognize that there may be some - regardless of your personal belief, I don't think it's ideological when the United States Supreme Court has defined marriage as between two people, not just between a man and a woman but our Texas family code says otherwise. So I recognize and I'm fully in support of the state bar not taking political positions. I don't want to be in the position to cause problems with our mandatory bar status. On the other hand, we have statutes that are clearly written in a way that is unconstitutional as defined by the United States Supreme Court. So while I appreciate, maybe, some concern that we not go off on that tactic, it looks to me as though these proposals - and I'm just going to pull out one. Under the Texas family code, currently spouse is defined as a husband who is a man or a wife who is a woman. And Obergefell clearly states that is not the legal definition of spouse in this country. It creates some problematic issues, as a family law practitioner, when we have one definition that is clearly constitutional and we have another definition under the state that might cause some issues. And these do create practical problems from the family law section. So I don't really see this as ideological or political. I see these changes as in line with what the United States Supreme Court has said. There's my 2 cents.

CHARLIE GINN: Thank you Director Wilson...

KIMBERLY WILSON: And it's worth 2 cents.

CHARLIE GINN: Thank you, Dr. Wilson. Director Miller, I understand that you have some folks you want to call on. Is that correct?

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EMILY MILLER: That is correct, Chairman Ginn. And I will let Ms. Cortes Mares know that we did hear from Mr. Brown in person at the subcommittee, and he did give us a live presentation and we were able to engage in a dialogue with him on that same day. We do have a representative from the LGBT section - one of the gentlemen that made the proposal to us back in August - and that's Michael Debnam. And I would like for him to be able to address some of your concerns.

CHARLIE GINN: All right. Are you on our call, sir?

MICHAEL DEBNAM: Yes, I am Mr. Chair.

CHARLIE GINN: All right. The floor is yours.

MICHAEL DEBNAM: I must say, Ms. Cortes, first of all, when I tuned in, I had missed a lot of what you said. So I don't want to come across that I am not addressing your specific concerns because I didn't hear most of them. What I would say is I would mirror most of what Ms. Wilson said. I'm also a family law practitioner. I work largely in this area and our section went to great lengths previously to limit the changes to the family code solely to make the code consistent with Obergefell. There are a lot of other problematic provisions in the family code that the LGBTQ community would love to see change and frankly, so would the practitioners, because there are gaping holes related to the LGBTQ community. But we go to great lengths to ensure that we do not overstep that political line and that is the number one thing we keep in mind. I could talk about the presumptions and other areas where they don't really - they don't relate to marriage. We only changed the terms that relate to marriage and to bring it consistent with the rulings of Obergefell and Pavan. And that affects the Texas case, of course, De Leon v. Perry. If you have specific concerns, I'm willing to hear them but I don't want to just keep talking.

YOLANDA CORTES MARES: Mr. Chairman, can I address Mr Debnam?

CHARLIE GINN: Yes, you sure can. You have the floor.

YOLANDA CORTES MARES: Thank you, Mr. Ginn. Mr. Debnam, the concerns I have are not related to the U.S. Constitution requiring states to recognize same-sex marriages. So with regards to the provisions that you're suggesting are changed in the Texas family code that are in connection with the marriage between a man and a woman and changing that wording, I'm definitely in favor of that. Where I am not in favor is extending all the changes to children, which is not what Obergefell - it's my understanding that it's not what Obergefell stands for. Changing that definition as to what is a parent, or what's a mother, what's a father, how do you - you know, conservatorship issues. Those are vast changes in the Texas family code. Conservatorship issues involving a parent and child are vast changes in the Texas family code. And those are what I'm asking you if you could please address. How does Obergefell substantiate those types of changes in the Texas family code?

CHARLIE GINN: Well - and what I don't want this to turn into, Director Cortes Mares, is a cross-examination or anything. And I'm not insinuating you're doing that, so don't take it that way. This is up for discussion and I think it's good for responses but is there any other response or any other discussion from the board? And I'm so sorry, Michael, if I mispronounced your last name. Is it Debnam?

MICHAEL DEBNAM: Debnam. It's a difficult name, don't worry about it.

CHARLIE GINN: Debnam. Well, listen, my last name's Ginn and I get difficult name - people mispronounce me all the time, so I appreciate it and feel your pain. Would you like to respond to that? I

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don't want to turn this into a cross-examination or a debate. But if you want to respond, you can. If not, we'll take other comments from other directors.

MICHAEL DEBNAM: I will respond very briefly with extreme brevity because I think a lot of it's already been said and I don't want to waste anyone's time. And what I'll say is there are a lot of provisions of the family code related to parentage and conservatorship that are inherently tied to marriage And that requires change under the Supreme Court opinion. And all the family courts in Texas are struggling with it but they are applying the law mostly correctly in line with the Supreme Court ruling. So I think there's nothing that - this is - as a practical matter, these changes are largely happening, but they are still causing problems in the courts because we have to re-educate the court every time we go in there. And for a lot of courts, they don't see this issue as often. And again, with conservatorship, specifically in parentage, we could have gone a lot farther, but we limited it to the extent of the ruling of Obergefell and Pavan and we did not go any farther. So I won't go any farther than that because I haven't heard any specific sections you want me to address. So I'll pass it. Director Ginn, thank you.

CHARLIE GINN: Thank you very much for your time and for your comments and for being here. We appreciate that very much. Director Fischer, the floor is yours.

STEVE FISCHER: I certainly appreciate you taking the position that may not be popular, but I think the practical effect of this is we need to change as much of the statutes as possible to reflect Obergefell because what will happen will be some judge will come next year, this year, two years, and they'll look at something and they'll say, yeah, but the Supreme Court decided. Yeah, but this is still Texas law currently. So we have to put them - we have to align them and make it fair and not have to suffer for someone to have to appeal. You know, not every judge is an expert, even though we'd like that. So I understand your concern, but I think they're doing it correctly and doing it to be accurate rather than political. Thanks.

CHARLIE GINN: Thank you, Director Fischer. Immediate Past President Mr. Randy Sorrels, you have the floor.

RANDY SORRELS: Thank you. I just had a question - and you can clarify, either Kaylynn or Emily or somebody. There's a process I know, with this committee, where you investigate to determine whether or not it's political or ideological. And I didn't know if there was any close calls on it because I don't want to be political or ideological either. I don't want to be back in the last century either.

CHARLIE GINN: I'm going to - Kalyn is going to respond to that if you're OK with that, Director Miller?

EMILY MILLER: Of course. Thank you.

KALYN LANEY: Yes, Randy, this went through both the - through our legal counsel's office, and then the committee discussed that at length. And both of these have been in the package previously as well. So part of it - several times, back to 2005 - I believe Michael can tell us for sure what years, probably - but they've both been in the package multiple times.

CHARLIE GINN: Does that answer your question, Sir?

RANDY SORRELS: It does, Chairman Charlie. Can I call you that, Chairman Charlie? (LAUGHTER)

CHARLIE GINN: It's better than TT. (LAUGHTER)

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CHARLIE GINN: All right. Any other discussion today? All right. Director Forbes, the floor is yours.

LUCY FORBES: So the only concern I had is that - so I reviewed the April 2018 meeting when the same Proposition 16 and 17 were proposed and they passed with no abstention and no noes. My only concern was the introduction of a lawsuit, which happened after it was filed on March 6, 2019, which made me think maybe it might trigger that the proposed legislation or legislative action does not carry the potential of deep philosophical or emotional division among a substantial segment of the membership of the bar. But I've since reflected and I believe that it is consistent. So I just wanted to add that.

CHARLIE GINN: Thank you, Director Forbes. Checking on one thing really quickly, but while I'm doing that an answer to you. One second. Mr. Sirman, would you please address Miss Forbes' remarks? John, if you're there, you're on mute.

JOHN SIRMAN: OK, yeah. Thanks, Charlie. Yes, so we actually did address 2018 proposal in our response to the McDonald case, and we're comfortable with this proposal, even with that case in place.

CHARLIE GINN: Thank you, Mr. Sirman. Any other discussion on this point, Director Forbes?

LUCY FORBES: I just wanted to echo that's what I meant - that I feel comfortable with it, even in light of the lawsuit, so.

CHARLIE GINN: OK, thank you, Director Forbes. Any other discussion today? Director Cortes Mares, the floor is yours.

YOLANDA CORTES MARES: Thank you, Mr. Chairman. Just briefly, a question for Mr. John Sirman. I heard you say Section 18, but the jury viewed tabs 16 and 17, which are the ones that are currently being proposed. And are they not, in your opinion, ideological or political?

CHARLIE GINN: I'll let John answer this, but I think he's referring to tab 18 on the agendas when he says that, Yolanda. But I will let John Serban answer that.

JOHN SIRMAN: That's right. I'm referring to the LGBT proposals.

YOLANDA CORTES MARES: OK. Specifically what we have just discussed.

JOHN SIRMAN: Yes.

YOLANDA CORTES MARES: All right, thank you.

CHARLIE GINN: All right. Any other discussion on this matter? Hearing none, seeing none, there's a motion on the floor from the committee that requires no second. All those in favor, please respond by saying aye.

UNIDENTIFIED PEOPLE: Aye.

CHARLIE GINN: All opposed by nay.

YOLANDA CORTES MARES: Nay.

CHARLIE GINN: One nay - Director Yolanda Cortes Mares. The motion passes.

CHARLIE GINN: Director Miller, you have the floor.

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EMILY MILLER: Thank you, Chairman Ginn. And thank you for your consideration of these proposals. I know it's no small matter to look through these and read through these for the first - even for the first time. So thank you very much for doing so. I have no further motions as far as our subcommittee is concerned, but I would like to thank the board for entrusting us with this process. And thank you, also, to the subcommittee members for their diligent review of the proposed legislation. And a special thank you to Christine A. McGuire and, of course, Kalyn Laney for ensuring a smooth ride for our subcommittee. And, of course, the sections put in extraordinary work for their proposals, which include many of you on the board who are also active in your section. So thank you very much for that. And our very best wishes to the section as they move forward on their proposals. And that concludes our subcommittee report, Mr. Chairman.

CHARLIE GINN: Thank you, Director Miller. And I know how hard you and your committee have worked on this. This is one of our busiest committees, and your leadership is just fantastic, as always. So thank you for all that you do and for your committee as well. We have already discussed item number 19, Shari Goldsberry's report, which takes us to item number 20. Director Wendy-Adele Humphrey, you have the floor, Ma'am.

WENDY-ADELE HUMPHREY: Thank you, Chair Ginn. Good afternoon, everyone. I'm Wendy-Adell Humphrey, one of the at-large directors who has the privilege to serve on this board. I want to start by first thanking President-elect Sylvia Firth for wearing the red and black as UT plays Texas Tech. I know somewhere in there you're actually rooting for the Red Raiders. So thanks for that, Sylvia. This update is really to give you just an overview of the process that occurs to fill the upcoming at-large director position that will come open next June. So that's June of 2021. In general, we have four at-large directors who are appointed by the president of the State Bar of Texas. My term will be ending next summer. I do want to thank former President Tom Vick for appointing me a few years ago. And so I want you to understand your role in this important process. The criteria and process for selection of the next at large director is advertised in a variety of places. It's on the state bar website, it's in BoardEffect, and there have been emails and notices in the Bar Journal, emails sent out to committees, sections, specialty bars, past presidents and, of course, to our current board members. We want to get the word out to as many Texas lawyers as possible so that those who are interested in serving the membership have the opportunity to submit an application. The application includes a basic application, as well as a nomination letter from a third party, a resume, three to five recommendation letters and a brief personal statement. That entire nomination packet is reviewed by the selection committee, which is comprised of myself, Directors Andy Almanzan, TYLA President Britney Harrison, Michael Smith and Kimberly Wilson. After reviewing the materials and interviewing the candidates, we will then propose two of them to President McDougal, who will ultimately make his recommendation and appointment. And the confirmation will then occur by the entire board at the April board meeting. So that is the process. Again, the main thing at this point is that we as board members get the word out. It's usually a very competitive pool, and we want that to continue so that the next appointed at-large director contributes significantly to the board. That is my report. If you have any questions, please let me know.

CHARLIE GINN: Thank you, Wendy-Adele. It's always great to see you. Thank you for your leadership on this committee and for getting the word out. With apologies to Director Andy Almanzan, I'm going to skip you and come right back to Director Rebekah Brooker. Director Brooker, you've got the floor. Are you with us?

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REBEKAH STEELY BROOKER: Yes, I am. Thank you, Charlie. I wanted to give a brief report and really get some good news and ask our plea for some help. I wanted to emphasize how committed the state bar is to helping Texas lawyers during this uncertain time. Since June 1, Texas bar CLE has provided more than \$225,000 and complimentary CLE to legal aid lawyers, and they delivered more than \$1.4 million - again, that's \$1.4 million - in free, online CLE courses to Texas lawyers. We're continually adding new several free courses. So please let members in your district know to check with the Texas bar CLE and see what courses are coming available and encourage them to take it. Generally, the first three months of the state bar fiscal year are when Texas bar CLE brings it most of its year's revenue. That's largely due to the big advanced seminars that take place. However, COVID has impacted the Texas bar CLE. Revenue has been down since the start of the pandemic, largely due to the influx of free CLE. I think it's already been mentioned

REBEKAH STEELY BROOKER: at some point in the meeting that Texas bar CLE's offering 6 1/2 hours of free CLE. Also, due to extensions in the MCLE-compliant states and lawyers and law firms really just tightening their belts on expenses, revenue's down from the budget projections for not only webcasted seminars but also for online classes and sponsorship. And as our president-elect's report reflected, I believe 32% of the revenue of the bar comes from Texas bar CLE. So we're trying to make up the lower revenue by a reduction in hotel and travel expenses, but that - those - the situation can change daily, so we're monitoring and we're adjusting as needed. A few adjustments that we have made - Texas bar CLE has converted all live seminars to a webcast format through the end of the 2020 calendar year. And I hope you'll join me in outreach to your membership and encouraging those members in your district to take CLE with the Texas bar CLE. So that, you know, and what you can tell them is that even though they're live seminars using - they're live seminars using a webcast format, the content is still the same. And an interactive chat feature allows CLE attendees to communicate with others in the conference, as well as speakers during the program. And as a bonus, the attendees can watch from anywhere, on a computer or a mobile device. And if they're unable to attend the live broadcast, the recording is available right away to watch on demand at their leisure. For those like me who prefer to get the hard copy books - and I know not everyone does, but I do - if requested, Texas bar CLE is shipping those books out, free of charge, to attendees prior to the program. Because we don't want to be a cost barrier to our members in receiving high-quality CLE, Texas bar CLE, as I know many of you know, offers full and partial scholarships for CLE programs. Please let your members know this, know that scholarship applications are available. The process is easy, it's fast and importantly, it's confidential. Since June 1 of this year, Texas bar CLE has issued, I believe, more than \$106,000 in scholarship for CLE. And during the first eight months of 2020, Texas Bar Books granted seventeen thousand almost five hundred dollars in scholarships and provided more than 40,000 dollars' worth of free material to pro bono organizations and law libraries. Finally, the board PDP subcommittee will jointly meet with the CLE committee on October 27. We'll discuss new topics for CLE programs and publications and so forth at that time. And that concludes my report.

CHARLIE GINN: Great job, Director Brooker. We appreciate you and your committee's work on this and looking forward to hearing more of the great things you'll be doing over this next year. All right. Director Andy Almanzan, I'm sorry I skipped you. With Member Services and Education Committee, the reports - it's your floor, Sir.

ANDRES ALMANZAN: Thank you, Mr. Chairman. The Appeals and Grants Review subcommittee received a request for authorization to seek outside funding. The materials for this request are located in

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BoardEffect under Agenda item 21-A. Board policy requires internal entities such as committees and TYLA to obtain approval from appeals and grant committee in order to seek outside funding. The request was submitted by the diversity in the profession standing committee of the bar. They sought authorization to seek grant funding from the Texas Bar Foundation. The grant will fund a project called Bar Exam Preparation Scholarship. This scholarship facilitates the transition into the legal profession for law students from backgrounds that are traditionally underrepresented in the profession by helping defray the financial burden of preparing for the Texas bar exam. This year, several scholarships will be awarded in the form of stipends and/or credit towards bar prep course costs. Third-year law students who attend an ABA-accredited Texas law school and who are preparing for the 2020 Texas bar exam are eligible for this scholarship. Selection criteria include, but are not limited to, academic achievement; financial need; involvement in community and extracurricular activities, including student organizations and affinity groups; and leadership experience. The appeals and grants subcommittee unanimously approved this request to seek funding from the Texas Bar Foundation for this project. There will be no state bar funds used for this program. No action is required by the board. This is a report item only, and that concludes my report.

CHARLIE GINN: Thank you, Andy, for your report and for the work that your committee is doing. Director Carmen Roe, our chair of the Insurance/Member Benefits subcommittee, you have the floor.

CARMEN ROE: Good afternoon, I'm Carmen Roe. I'm excited to chair this committee. As you can see, we have a large group of hardworking and dedicated directors in this committee, and we expect to get a lot done this year. The Texas private insurance exchange, or PIE, is the exclusive health exchange

CARMEN ROE: for the Texas legal community. The program allows members to obtain major medical or any ancillary insurance benefits they're looking for. This program allows them to access anything a broker can offer with the added benefit of complimentary benefits exclusive to this program and Texas lawyers. Even if you don't join the program as a Texas lawyer, members can receive up to \$10,000 for accident, death and dismemberment at no cost. We will continue to make this information available to our members and to make sure that we get information out so that we can meet those needs and they can make the best choices using this program or any other. If you or your firm hasn't received a quote, I highly recommend at least looking into this program to get health benefit rates and other great opportunities that are made available to your firm. We're also very interested in your feedback so we can do better and continue to monitor this program. The 2021 health insurance open enrollment period will begin to run from November 1, 2020, to December 15. Typically, there are presentations conducted around the state. This year, like everything else, they will be done via Zoom. The presentations currently are scheduled for September 28, September 30 and October 2. We're likely to add presentations to the already-scheduled ones, but keep in mind that these presentations will also include questions and answers. So we encourage you to participate and attend these presentations so that you can get answers to questions, again, whether you use this program or not. The program continues to grow. Between 2019 and 2020, total product enrollments grew by 27%, from 41,000 in 2019 to approximately 52,000 in 2020. This chart shows the significant growth of the program since the exchange was created. Every other year, the state bar conducts a customer satisfaction survey. This year, we will be conducting that survey, and at the end of the fiscal year, we'll be reporting those results back to this board. This year, we've set up some annual goals. In addition to monitoring the program, we will also be reviewing the program as a whole in the hopes of making improvements where we can. Some of those will include focusing on evaluating solo health insurance coverage that exceeds individual health insurance options.

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We're looking at some of the barriers, as well as opportunities, in that area. We also want to create an awareness campaign that will specifically target the needs of solos and members over 50 to get the kind of information that's specifically targeted to them so they can access what's available. Membership benefits will be synthesized to better focus our aim on the benefits that are going to be available to members so that we can get the information out there in a better format. And then last but not least, implementation of a standardized annual membership report, which, again, gives everyone the opportunity to have good information. I will report our findings on all of these at the end of this year as well. It is anticipated that the program will still generate roughly 1 million in non-dues revenue this fiscal year. However, we are going to monitor the impact of COVID. As of August, visits to the benefits page on the website are down by about 1%. However, the - excuse me - no surprise travel's been impacted by 54% decline in visits. However, travel has little impact on our revenue. At the same time, offers that help members work from home have seen an increase in traffic. We're going to continue to make efforts to educate our members about available benefits they have as members of the State Bar of Texas. Last year, Randy Sorrels and Jerry Alexander and other board members put together a 30 benefits in 30 minutes. It was wildly successful, and we plan to continue to look for opportunities to continue these types of opportunities and efforts to benefit our members. We have a great committee this year - ambitious plans to do big things with member benefits. If you have any questions, thoughts or suggestions for our committee, please reach out to myself or any committee member because we're here to help. And that concludes my report.

CHARLIE GINN: Thank you, Carmen, and for your committee. This is a big committee and it's one that's important that we get the word out and you're doing a great job on that. So thank you very much. Our next committee is the Technology Oversight subcommittee with Chair Christina Davis. Director Davis, are you with us?

CHRISTINA DAVIS: Thank you, Chair Ginn. Can everyone hear me?

CHARLIE GINN: We sure can.

CHRISTINA DAVIS: I do want to take a minute just to share a moment of humorous irony that the chair of the Technology Oversight subcommittee is having technological issues... (LAUGHTER)

CHRISTINA DAVIS: ...right now giving her report. I have a short report to share with you today on the progress of several projects that are underway at the State Bar of Texas. The IT department has completed the deployment of Microsoft 365 to all state bar staff. This project has been instrumental in providing communication and collaboration between staff during the pandemic. Staff have used the platform to make thousands of calls and hundreds of meetings happen over the last six months. A new Dell data backup system has been installed and has been operational for the past month. This system is a huge improvement over its predecessor by allowing the state bar to protect and manage data more efficiently, also allowing for a faster recovery time in the event of a disaster. Audiovisual renovations at the Texas Law Center are in their final stages. Maybe one day we will all get to see those. The complete overhaul of room 101 and the boardroom audiovisual system has been completed. The IT and video team are now in the testing phase to ensure proper operation. These upgrades will enhance the overall feel of the experience in room 101 and allow for video conferencing in the boardroom. The new advertising review online portal is nearing completion. This portal will allow attorneys to submit advertising media online and pay fees. We expect this to be a great benefit for Texas attorneys by simplifying the submission process, giving real-time status updates and improving overall

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communication. Finally, I wanted to mention a few projects that we have slated for the next calendar year. First, the virtual server system that houses over 60 servers for the state bar operations is being replaced. Second, we will be redesigning the look and feel of the texasbar.com website, which is a project we are hoping to get the Technology Oversight Subcommittee involved with. And lastly, developing a new event registration site for the annual meeting and poverty law conferences. Thank you all very much. That concludes my report.

CHARLIE GINN: Thank you, Director Davis, and thank you for doing what it takes to get on the call, even with those technological issues that you're experiencing.

CHRISTINA DAVIS: No problem.

CHARLIE GINN: Director Miller, your floor to talk about our section representatives. Thank you.

EMILY MILLER: Thank you again, Chairman Ginn. The sections are continuing to do really great work. They have become particularly important during this public health crisis. And in addition to working with Texas Bar CLE to produce and promote the advanced courses throughout the summer and fall, our sections are providing ongoing web-based trainings and publications designed to help their memberships navigate the virtual practice of law. Bankruptcy, labor and employment tax, Hispanic issues and child protection law all have monthly free webinars for their members. A number of sections also have held, or plan to hold, free implicit bias trainings for members. In August, we held the new chair and treasurer's orientation. Because the orientation was virtual, we opened it up to all section officers and had nearly 140 people in attendance. While we certainly missed seeing everyone and making personal connections, there's no doubt that this virtual component will be a huge advantage for future chairs to learn more about their roles and duties well in advance of their own chairperson year. The orientation provided training on state board governance and structures, Keller constraints on the state bar of Texas, how to work with the sections department, working with board advisors - and I will mention that we all our board advisors, and I encourage you to reach out, support your sections, attend their council meetings - and they are all by Zoom right now, so that's much more easily accessible for us to participate in those. The orientation also provided training on best practices for publishing newsletters and other publications, as well as financial policy, requirements and expectations for treasurers. Our board colleague Kathryn Murphy provided excellent training on the new board policy for state bar sections that was passed at the June board meeting, including minimum standards and requirements that sections must maintain, new bylaws requirements, how the review process works and its potential outcome. When we developed the new review process, it was based on an informal process that had worked well for many years. If a section was struggling, the sections reps would step in and advise and guide, and generally address any issues. Last year, as a board advisor to the animal law section, we worked tirelessly to help them through some difficulties throughout the entire year, and these efforts have come to no avail. Soon after the June board meeting, where the reviews were passed, we officially notified the council of the animal law section that their section was under official review and that the review would continue through January 1, 2020. Since June, they have been unable to come into compliance with board policy. Their chair has attempted to set a council meeting on about a half a dozen instances without any success. They have not held an annual meeting, elected new officers or council members, filed a budget or filed the required financial policies and procedures with the state bar accounting department. We will continue to try our best to rehabilitate this section, and if necessary, make further recommendations at the January board meeting. Thank you all again for your

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leadership on the board and in your sections, as well. As the majority of you make combinations in both respects. And thank you, of course, to Tracy Nuckols and the state bar staff for their help in maintaining the sections. This ends my report.

CHARLIE GINN: Thank you, Director Miller, and for the work that you're doing with our sections. I know a lot of our sections are doing great work, and we'll look forward to your report in January. Britney Harrison, Madam President of TYLA. Are you with us, Britney?

BRITNEY HARRISON: I am still here.

CHARLIE GINN: Good to see you. And you've got the floor, Madam President.

BRITNEY HARRISON: All right - since looking at the hour here, I'm going to keep this brief, even though I can talk for a lot about all the different projects we have going on. But we had our September 11th board meeting for our first quarter. Our officers have been, or excuse me, our directors have been hard at work working on all these projects. And I'll just highlight a few of them. On the attorney wellness side, we have an ongoing virtual triathlon. September is a month for biking, and October is for swimming. So if y'all want to join us, it's for everyone, not just young lawyers. We want all lawyers to join us in this fitness challenge. And you can join us and follow us on Strava. On the public service side, we have Court the Vote, which is an expansion of our Vote America project. We've disseminated push cards in both English and in Spanish to various governmental organizations and courts. As well as - physical copies have been given out within the Harris County Detention Center to try and get as many people out to the polls to vote. For our law focused education committee, we have started working on our Texas Bar Foundation project, which is the iconic women in legal history. This project aims to highlight and explore the roles of various women that have helped shape our culture and advance civil rights and legal rights. And we definitely will be having a tribute to RBG on there because she's one of the most iconic women that we've had in our history. On the online member services front, we are going to be launching our Practice Area 101 podcast next month. We're going to highlight various practice areas, and we'll have two young lawyers featured as panelists on there to discuss the ins and outs of the practice. And also, we plan to feature lawyers from all over the state - different geographic areas just so we can see what the common areas are in some of the bigger cities, and then also some of the common areas in some of the smaller cities. And our goal is to reach out to law students and other attorneys who might want to learn a little bit more about your area of practice. As I mentioned, back in Sep - or excuse me, in June, at the annual meeting, we created the Racial Justice Committee this year. And this committee is here to address racial injustice. And the main purposes are to inform the public about the struggle for racial justice in this country and this profession, provide resources for those wanting to learn about racial justice movements, anti-racism and allyship, facilitate conversations in the community regarding these issues, and looking for paths forward that provide justice and equality for all, and also to provide resources and information, or informational materials to members of this profession that give perspectives of lawyers of color, and also help move the profession to be more inclusive, diverse and representational of the state's population. We're currently in the developmental stages of that, but we're looking forward to providing more updates. And finally, make sure y'all are all following us on social media. We've got Facebook, Twitter, Instagram, LinkedIn, all that good stuff so you can keep up with TYLA. That's all I have.

CHARLIE GINN: Thank you, Madam President. Man, if you don't get fired up listening about the great work that TYLA is doing, you got to get your pulse checked. You guys are awesome. I am so proud to be

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associated with you, Britney. And partnership or whatever we can do, we'll do whatever we can. But it is just awesome seeing the work that you're doing. We will go now to our discussion liaisons. And we've already heard from Justice Lehrmann and Judge Yeary, so I believe Judge Les Hatch has the floor. Judge Hatch, are you with us?

LES HATCH: I am, Charlie. Thank you. I think this is the first time that I've had a chance to visit with you other than roll call. So thanks for including me. I am your chair of the judicial section this year. I'm in Lubbock, Texas, 237th District Court. I have a very short report we had at our annual meeting. We had our slate of officers approved on September 8th. Our new members are Frank Fraley, Fort Bend District Judge, Ron Rangel, San Antonio District Judge, and Rebeca Martinez, San Antonio Court of Appeals Justice. Elisabeth Earle is the chair-elect. She's County Court at Law in Travis County. And thank y'all for sending us Shari Goldsberry and Christina Davis - as the board liaisons, your board liaisons to our board, as I am the liaison from the section board to your board. I've got to say that I have been on all of these meetings so far, including the two special meetings. I had no idea, despite being 30 plus years as a practicing attorney in Texas, how much the state bar did. And it is eye-opening and it's quite impressive. So I'm continuing to learn, so bear with me, and I look forward to serving as your section liaison.

CHARLIE GINN: Judge Hatch, thank you for your report. We're glad to have you. And we're looking forward to this year. Thank you for being here very much. So I don't think we have a report from Ross Fischer. In fact, I know we don't because he told me no report, and I don't believe that we have a report from Denise Hoggard. So with that, here in just a few minutes, I'm going to ask Director Christina Davis to lead us in the - our recitation of the mission statement. Before I do that, I want to thank you all for another meeting. Your dedication is appreciated. We are going to have our next meeting on January the 22nd of 2021. I know these meetings are long. I know they can cut into your schedule. And I know that we have had a lot of them lately. And I appreciate it. And I want to thank you for that and thank you for being here. We need you here. And you're - you've answered the call, and it's a privilege to work with you and alongside you. To our staff, I haven't said it today. Our staff is among the best in the nation. I don't know how to say it any other way. Thank you to them for making this possible. With that, Ms. Davis, if you've got the floor, to lead us in our statement.

CHRISTINA DAVIS: Thank you Chair Ginn. You all join me. 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.

CHARLIE GINN: Man, I can't wait till we get to do that in person again. Sic 'em, Bears. Thank you for being here. Go college football this weekend. I'll entertain a motion to adjourn.

ROB CRAIN: Texas treasurer?

CHARLIE GINN: Yes?

ROB CRAIN: Motion to adjourn.

UNIDENTIFIED PEOPLE: Second.

CHARLIE GINN: All right. We're adjourned at 5:13 p.m. God bless you all.