

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
Omni Fort Worth Hotel  
Fort Worth, TX  
Wednesday, June 9, 2010**

The Board of Directors of the State Bar of Texas met in a regular session on June 9, 2010 at the Omni Hotel in Fort Worth, Texas. Chair of the Board David Fisher called the meeting to order at 1:30 p.m., and Executive Director Michelle Hunter called the roll. A quorum of voting Board members was present. Immediate Past President Harper Estes gave the invocation. All veterans that were in the room were asked to stand and lead the pledges to the U.S. and Texas flags.

***Present:***

**Board Members:** Arnold Aguilar, Pablo Almaguer, Tim Belton, Talmage Boston, TYLA Immediate Past President Sylvia Cardona, Theresa Chang, Guy Choate, Janna Clarke, Warren Cole, Jeanne Cezy Collins, David Copeland, Mark Daniel, Allan DuBois, Damon Edwards, Immediate Past President Harper Estes, Chair of the Board David Fisher, Susan Fisher, Deborah Gagliardi, Pamela Gilbert, Beverly Godbey, Mike Gregory, Brad Hancock, TYLA President Cori Harbour, John Hatchel, Randy Howry, Lamont Jefferson, Bert Jennings, President Roland Johnson, Kyle Lewis, Sam Lovelady, TYLA President-elect Jennifer Evans Morris, Tim Mountz, Bill Ogden, Yvette Ostolaza, Tommy Proctor, Annette Raggette, Mark Sales, Travis Sales, Immediate Past Chair of the Board Joe Shannon\*, John Sloan, President Terry Tottenham, Pat Wolter, Barbara Young

**Liaisons\*:** Judge David Garcia, Justice Phil Johnson

**Section Representatives\*:** Chad Baruch, Steve Bolden, Stewart Gagnon, John Jansonius, Dan Micciche, Brian Webb

**Excused Absences:** *Glenn Ballard, Steve Benesh, Judge David Folsom\*, Scotty Holloman\*, Judge Larry Meyers\*, Rob Roby, Lisa Tatum*

(\* = nonvoting)

**I. CONSENT AGENDA ITEMS**

**Upon motion properly made by Janna Clarke and seconded by Cori Harbour, the following actions were taken regarding the Consent Agenda items:**

A. Approval of Minutes:

Approval of minutes of Board meeting conducted on *April 16, 2010*

B. Approval of 2010-2011 Presidential appointments to the following entities:

1) **College of the State Bar Board**, for three year terms effective June 1, 2010 through May 31, 2013:

**Patricia Alvarez (Laredo)  
Martha Susanne Bonilla (Corpus Christi)  
Morgan Broaddus (El Paso)**

**John Charles Grace (Lubbock)  
Veronica Jacobs (Houston)  
Kurt Noell (Tyler)**

For an unexpired term effective June 1, 2010 through May 31, 2012:

**Russell D. Hunt (Waco)**

- 2) **Law Focused Education Incorporated**, for two year terms effective June 1, 2010 through May 31, 2012:

**Hector Beltran (El Paso)**  
**Cindy Johnson (Fort Worth)**

- 3) **Section Representative to the Board Committee**, for three-year terms effective Annual Meeting 2010 through Annual Meeting 2013:

**Luis G. Garcia (Large-sized Section, Temple)**  
**Steven C. James (Medium -sized Section, El Paso)**

- 4) **State Bar Insurance Trust**, for terms effective July 1, 2010 through June 30, 2013:

**Debbie Bullion (Sugarland)**  
**Viola Garza (McAllen)**

- 5) **Texas Access to Justice Commission**, for three-year terms effective June 1, 2010 through May 31, 2013:

**Hon. Mary Katherine Kennedy (Houston)**  
**Christy Keul (Tyler)**

- 6) **Texas Bar Foundation**, for one year term effective June 1, 2010 through May 31, 2011

**Stephen Benesh (Austin)**  
**Yvette Ostolaza (Dallas)**

- 7) **Texas Board of Legal Specialization**, for three-year terms effective July 1, 2010 through June 30, 2013:

**F.R. (Buck) Files (Tyler)**  
**Ben L. Hall, III (Houston)**  
**Hal Moorman (Brenham)**  
**Julie Springer (Austin)**

C. Other Items:

**Nominating Committee to Select ABA Delegates (*Chair Harper Estes*)**

Approval of appointment of delegates to the American Bar Association House of Delegates for two-year terms beginning at the conclusion of the 2010 ABA Annual Meeting and expiring at the conclusion of the 2012 ABA Annual Meeting:

**Delegates:**  
**Roland Johnson (Fort Worth)**  
**Bob Black (Beaumont)**  
**Judge Jennifer Rymell (Fort Worth)**  
**Judge Lora Livingston (Austin)**

## II. REPORTS

A. Report from the Chair of the Board: Chair of the Board David Fisher made remarks on the Outstanding Third Year Director Award, which was awarded to Lisa Tatum, who was not present.

1) **Closed Session**: At 1:42pm, Chair Fisher announced that the Board of Directors would meet in closed session as authorized by Texas Government Code, Section 551.074 for the purpose of discussing the evaluation, duties and compensation of the Executive Director.

2) **Open Session**: Upon return to open session at 2:06pm, Chair Fisher announced that only matters relating to compensation of the Executive Director were discussed. No action was taken in closed session.

**In open session, Warren Cole moved for consideration of compensation for the Executive Director to be deferred to the Employment/Salary/Evaluation subcommittee and that the subcommittee be given the discretion of setting the compensation; Mike Gregory seconded. Motion carried.**

B. Report from the President: President Roland Johnson reported on ABA Days, AftertheBarExam.com, LeadershipSBOT, and the great work of the Board on the PLI Disclosure issue. President Johnson also discussed the launch of the new Texasbar.com website and highlighted the new design and various updates.

C. Report from the President-elect: President-elect Terry Tottenham reported on projects for the upcoming year, including his Wellness Initiative, and played a video from his Texas Lawyers for Texas Veterans initiative. President-elect Tottenham also reported on an issue with the current chair of the History and Preservation Committee, who, without the authority of the State Bar of Texas, went before a public body as chair of the committee in San Antonio suggesting language on a plaque at the Alamo honoring Anglo Texans. Under Article 8, Section 1, subsection B of the State Bar Rules, President-elect Tottenham advised the Board that the membership of the History and Preservation Committee will be reorganized, pending final discussion and approval by the Board at its next regularly scheduled meeting. President-elect Tottenham also noted that the FY2010-11 Budget order has been approved.

D. Report from the Immediate Past President: Immediate Past President Harper Estes echoed the comments that were made on all the hard work the Board did this year.

E. Texas Young Lawyers Association: TYLA President Cori Harbour reported on *R U Safe-Protecting Yourself in Cyberspace*, Moot Court Competition, El Paso Lawyers for Patriots, Environmental Law Symposium, public service brochures and the new TYLA website.

F. Commission for Lawyer Discipline/Chief Disciplinary Counsel Update: Betty Blackwell reported on various topics including attorney's fees collections, the grievance referral program, prevention efforts on impaired respondent rehab, *Lawyers Guide to Client Trust Accounts* booklets, and made remarks on outgoing Commission members. **[Exhibit A]**<sup>1</sup>

G. Discipline & Client Attorney Assistance Program Committee: Pat Wolter gave a brief presentation on the DCAAP committee's work pertaining to the changes to the Texas Disciplinary Rules of Professional Conduct. Wolter introduced Lillian Hardwick, outgoing chair of the State Bar's Texas Disciplinary Rules of Professional Conduct Committee, who gave background information on the ABA model rules of professional conduct and the process of redrafting the disciplinary rules by the State Bar Standing Committee and the Supreme Court task force that was formed. State Bar Rules Attorney Kennon Peterson discussed the effort that began at the Court to resolve all the lingering disputes between the Court task force and the State Bar committee so that the State Bar committee could then go forward with drafting the interpretive comments for the rules, and the current process of the Court looking at the interpretive comments. Peterson also touched on the goals of the drafting process, including protection of the public, protecting and enhancing the integrity of the profession as a whole, improving clarity, and increasing uniformity to the extent appropriate.

H. Administration Committee: President Johnson explained the rationale behind the changes to the General Counsel position. Tim Mountz reported further on the history of the position and duties of the General Counsel and how it relates to the Chief Disciplinary Counsel position. Mountz reported on the specifics of the Policy Manual provisions concerning Legal Counsel, including the duties and responsibilities of the position, which are primarily administrative, and the recent revisions made by the Administration Committee to Part IX, 9.01.02, Subsection B and C concerning the advice of, and hiring of, in-house legal counsel.

**On behalf of the committee, Mountz moved for approval of the adoption of the amendments to the Policy Manual concerning Legal Counsel, including the latest changes outlined by the Administration Committee; no second needed. Motion carried. [Exhibit B]**

Several questions were raised regarding the rationale behind the option to hire in-house counsel, to which Mountz responded that a staff legal counsel position is needed in terms of reviewing contracts, open meetings issues, etc., but those duties do not require the full-time efforts of an attorney.

I. Client Security Fund Subcommittee: Janna Clarke reported that the subcommittee responded favorably to 98 grant applications received from citizens that were mistreated by their attorneys, and awarded approximately \$483,000.

J. Member Services and Education: Chad Baruch reported that PDP met jointly with the CLE Committee on April 23. The New Directors' Orientation was held yesterday and this morning for incoming Board members and went very well.

K. Audit and Finance Committee: Warren Cole reported that the general fund is in very good shape and expenditures are down considerably. TexasBarCLE has a positive variance of almost 50%, and the financial audit begins August 9, with the internal audit starting around August 30. **[Exhibit C]**

L. Public Services and Education: Guy Choate reported that the Pro Bono survey will be distributed to Board members as soon as it is ready.

M. Section Representatives to the Board Committee: Steve Bolden thanked the Section Representatives for their hard work this year.

N. Supreme Court Liaison: Justice Phil Johnson complimented Lillian Hardwick and Kennon Peterson on their work with the changes to the disciplinary rules, and praised the Texas Lawyers for Texas Veterans' Initiative.

O. Judicial Section Liaison: Judge David Garcia reported that the Judicial Section has completed its transition of all of its administrative responsibilities from the Texas Center for the Judiciary to the State Bar. Ethics Opinion 484 has been the primary focus this year, and there should soon be a Texas Ethics Opinion as it relates to the judiciary.

P. Executive Director: Michelle Hunter made remarks on the 2009-10 Continuous Improvement Process recipients, and presented Roger Siebert from TexasBarBooks with the Employee of the Quarter Award.

There being no further business, the meeting was adjourned at 4:13pm. **[Exhibit D]**<sup>2</sup>

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<sup>1</sup> Exhibits A through D are available at [www.texasbar.com/bodcentral](http://www.texasbar.com/bodcentral) under Meeting Agendas and Minutes.

<sup>2</sup> Exhibit D is the State Bar Committee and Section End of Year Reports and for information only.