

**OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Texas Law Center
Austin, TX
March 27, 2012**

The Executive Committee met on March 27, 2012 in Austin at the Texas Law Center. President Bob Black called the meeting to order at 10:30am, and Executive Director Michelle Hunter called the roll.

Present: Immediate Past Chair Pablo Almaguer*, President Bob Black, Roy Brantley, Damon Edwards, Becky Baskin Ferguson, President-elect Buck Files, Chair of the Board Beverly Godbey, Bert Jennings*, Justice Phil Johnson*, TYLA President Natalie Cobb Koehler, Kyle Lewis*, Jo Ann Merica, TYLA Immediate Past President Jennifer Evans Morris*, Toni Nguyen, Tommy Proctor, TYLA President-elect C.E. Rhodes, Travis Sales, Immediate Past President Terry Tottenham

Participating via teleconference: Tim Belton, Susan Fisher*, John Trevino

**Nonvoting member*

I. APPROVAL OF MINUTES

Upon motion properly made by TYLA President Natalie Cobb Koehler and seconded by Roy Brantley, the minutes of the January 5, 2012 Executive Committee meeting were approved as distributed.

II. REPORTS

A. Report from the President: President Black discussed the favorable reaction he's received when reporting on the benefits the State Bar offers during his speeches to local bars across the state. The Ad Hoc Committee to Select Minority Directors, chaired by Toni Nguyen, received a number of excellent nominations, and they conducted interviews of candidates in January. The Ad Hoc Committee submitted two minority director candidates for consideration, and President Black has selected Jaime Balli from Edinburg. Balli's appointment will be voted on for approval by the Board at the April meeting. The redistricting task force, chair by past president Roland Johnson, is continuing its work this year looking at Bar districts and distribution of Board members and population throughout the state. The task force expects to have recommendations finalized for approval at the June Board meeting.

President Black recognized the members serving on the SOLUTIONS 2012 task force, including co-chairs Tim Belton and Tom Vick, and reported that the task force will present a report to the Board at the April Board meeting. President Black introduced Tom Vick to report on the SOLUTIONS 2012.

Tom Vick discussed the work of the SOLUTIONS 2012 task force, noting that the task force was divided into two work groups; Indigent Pro Se Litigants, and Indigent Pro Se Forms. The Litigants work group, which Pablo Almaguer chaired, had a broad topic area to consider, which was the issue of poor citizens seeking access to a judicial system that many believe is underfunded at the same time that programs that provide free lawyers are also facing severe budget cuts. Almaguer identified some of the potential solutions the work group came up with, including offering CLE based incentives to attorneys that handle pro bono cases, developing a pro-bono smart phone app and pro bono website to connect lawyers with indigents in need of representation, using technology to provide CLE training, and developing a judicial education component.

The Forms work group, chaired by Roy Brantley, looked at the development of standardized forms for use by indigent pro se litigants and issues surrounding that proposal. Brantley reported that the work group came up with more questions than potential solutions, and they spent much of their time discussing forms in general and

the concern of the forms being developed for certain conditions being used outside of context. Some of the questions raised revolved around keeping the forms current, form eligibility, form usage, other resources for distribution of forms, research, and authority. There was discussion on an Access to Justice initiative that involves law students and law schools and pro bono work, as well as efforts through pro bono to solve the backlog problem. President Black noted that while this is not an action item, it will be presented to the Board at the April Board meeting for approval to send on to the Supreme Court and the Rules Advisory Committee.

Steve Bresnen, a member of the public who was present, noted on behalf of the Family Law Section that they appreciate all the hard work that's being done on the forms issue.

President Black reported that the Judicial Section sought and received permission from the Ad Hoc Submission Committee to respond to an AG request for comment on a matter involving a dispute between the Van Zandt County Commissioner's Court and the County Court at Law Judge regarding the county court reporter's salary and employment status. The Judicial Section wants to weight in because it believes the Commissioners Court interfered with the court's inherent power to preserve its judicial functions, and the Section sees the issue as having statewide implications if the AG were to rule that the judge did not have this inherent power.

President Black moved for the Executive Committee to ratify the Ad Hoc Submission Committee's approval of the Judicial Section's request to comment on Opinion RQ-1039-GA, pursuant to Policy Manual Section 8.02.04(C); Tommy Proctor seconded. Motion carried.

B. Report from the Chair of the Board: Chair Beverly Godbey reported that the Board will vote on the 2012-13 chair of the Board at the April Board meeting.

C. MCLE Committee: Mark Sessions reported that programs are changing as technology changes, and the proposed changes to the accreditation standards for CLE activities reflect that. The major change involves no accreditation of a CLE activity for MCLE if it is an activity that teaches non-legal skills such as general use of hardware, software, and marketing or social media networking skills.

Becky Baskin Ferguson moved for approval of the proposed changes to MCLE Accreditation Standards for CLE Activities; Toni Nguyen seconded. Motion carried.

D. Report from the President-elect: President-elect Buck Files noted that there were two members of the public at the public hearing of the budget earlier that morning, and they discussed Access to Justice funding.

On behalf of the Budget Committee, President-elect Buck Files moved for approval of the SBOT 2012-13 proposed budget for presentation to the Supreme Court of Texas; no second needed. Motion carried.

E. Insurance/Member Benefits Subcommittee: Yvette Ostolaza reported that the Bar assisted the SBOTIT in its marketing to members by buying an iPad to give away in a drawing for members who requested a quote. Ostolaza asked the Insurance Trust Board to consider issuing an RFP for health insurance, since the last one was done in 1974. The subcommittee is continuing to push for ABA certification for our lawyer referral program in order to obtain a discount on basic PLI coverage premiums, as well as looking at a credit union benefit.

F. Texas Young Lawyers Association: TYLA President Natalie Cobb Koehler highlighted various TYLA programs, including the National Trial Competition, "Unconscious Truth", a multi-media project focusing on the physical and legal effects of underage binge drinking, and "Attorneys Without Borders", the Supreme Court trip to Laredo.

G. Administration Committee: Tommy Proctor reported that staff is in the process of finalizing a lease agreement with Travis Park Plaza per the terms approved by the Board in January. The negotiation process is also underway with the Federal Reserve to mitigate expenses for unilaterally breaking the lease.

Travis Sales reported that the Employment/Salary/Evaluation subcommittee is working on implementing the revised Affiliated Entities Board Policy. The affiliated entities have submitted the requested information of annual budgets, goals, financial audits and annual reports, and the subcommittee is reviewing the analysis. The subcommittee is also looking at the LGBT Law Section's proposed revisions concerning several policies within the State Bar's Employee Handbook, and will be reviewing the proposed revisions and preliminary research findings.

H. Audit & Finance Committee: Bert Jennings reported that the general fund net revenues over expenditures for the eight months ending January 31, 2012 was over budget by approximately \$1.7 million. A few of the larger positive net revenue over expenditure variances are TexasBarCLE (\$1.2 million), Minority Affairs (\$106,000), Webpage (\$57,000), and CDC (\$161,000). Several responses were received for RFP's that were issued in January for financial auditor, internal control auditor, and investment manager, and the responses are currently being analyzed in order to make recommendations regarding the selection of these three contract positions at the April Board meeting.

I. Nominations & Elections: Immediate Past President Terry Tottenham reported that the candidates have run great campaigns through March. There are 10 members of the Board whose terms are expiring in June, and six of these races are contested, with District 7 having three people running for that one position. The elections for President-elect and district directors will end on May 1. There was discussion on how the use of social media may affect the election this year.

J. Policy Manual Subcommittee: Jo Ann Merica reported that the Policy Manual subcommittee is working on Section five of the Policy Manual concerning Sections and Divisions, and that various items will be presented at the April Board meeting.

K. Member Services and Education: Damon Edwards reported that the Appeals/Grants Review subcommittee received an appeal from an attorney regarding his certification with TBLS and will be meeting soon to hear the appeal. The New Directors Orientation subcommittee plans to meet this Wednesday to discuss the 2012 orientation. The PDP subcommittee will meet jointly with the State Bar CLE Committee on April 27 in Austin. The Technology Oversight subcommittee plans to meet this Friday to approve Texas Law Center computer replacements.

L. Supreme Court Liaison: Justice Phil Johnson reported that the Supreme Court took a trip to Laredo in February for "Attorneys Without Borders", a diversity discussion and opportunity to hear oral arguments, and it was very well attended and well received.

M. Executive Director: Michelle Hunter announced that Holly Priestner will be coming back to work at the State Bar as the new Communications Division director.

There being no further business, the meeting was adjourned at 12:21p.m.