

**MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
Moody Gardens Hotel  
Galveston, TX  
Friday, September 19, 2014**

The Board of Directors of the State Bar of Texas met in regular session on September 19, 2014 at the Moody Gardens hotel in Galveston. Chair of the Board Roger Key called the meeting to order at 9:00 a.m., and Executive Director Michelle Hunter called the roll. A quorum of voting Board members was present. Mike Guarino delivered the invocation, and Laura Gibson lead the pledges to the U.S. and Texas flags. Anna Sankaran from Houston was sworn in as a new minority director by Justice Phil Johnson, to replace Regina Bynote Jones, who resigned from the Board in August.

***Present:***

**Board Members:** David Alders, Robert Aldrich, President Trey Apffel, Jaime Balli, Ben Barlow, Barbara Bass, Brent Benoit, Lawrence Boyd, TYLA President Rebekah Steely Brooker, Amy Bryan, David Chamberlain, Diane DeVasto, President-elect Allan DuBois, Sara Dysart, Richard Elliott, Joe Escobedo, Sylvia Firth, Laura Gibson, Robert Guest, Rice Horkey, Joe Indelicato, Louis Iselin, John Jansonius, Chair of the Board Roger Key, Larry McDougal, Mary Abbott Martin, Brian Miller, Susan Nelson, Gail Plummer, Florentino Ramirez, Tom Riney, Ruben Robles, Anna Sankaran, Lance Sharp, Immediate Past President Lisa Tatum, Immediate Past Chair of the Board Cindy Tisdale\*, Andrew Wallace

**Liaisons\*:** Justice Phil Johnson, Hap Weitzel

**Section Representatives\*:** Alison Colvin, Tina Green, Pat Maher, Gary Nickelson, Scott Rothenberg, Grant Scheiner

***Excused Absences:*** TYLA Immediate Past President Kristy Blanchard, Frank Carroll, Leon Carter, Curry Cooksey, Judge David Evans\*, Andy Kerr, Judge Michael Keasler\*, Judge Ed Kinkeade\*, Ford Sasser, Denise Scofield, David Teuscher, M.D., TYLA President-elect Barrett Thomas

(\* = nonvoting)

**I. CONSENT AGENDA ITEMS**

**Upon motion properly made by Larry Boyd and seconded by Barbara Bass, the following actions were taken regarding the Consent Agenda items:**

- A. Approval of minutes of Board meetings conducted on June 25-26, 2014
- B. Ratification of actions taken at the following Executive Committee meeting:
  - 1) **September 4, 2014:** Approved minutes of the April 3, 2014 Executive Committee meeting
- C. Items from the President:

Approval of appointments to the following entities:

- 1) **Delegates to the 2015 Fifth Circuit Judicial Conference:**

<b>President Trey Apffel</b>	<b>Immediate Past President Lisa M. Tatum</b>
<b>President-elect Allan K. DuBois</b>	<b>Chair of the Board Roger Key</b>
<b>Executive Director Michelle Hunter</b>	<b>TYLA President Rebekah Steely Brooker</b>

- 2) **Annapoorni (Anna) Sankaran (Houston)**, to fill an unexpired term for State Bar Minority Director effective September 19, 2014 through Annual Meeting 2016

D. Items from Committees and Sections/Divisions:

- 1) Approval of request by the Intellectual Property Law Section to amend its bylaws **[Exhibit A]**<sup>1</sup>
- 2) Approval of request by the Judicial Section to amend its bylaws **[Exhibit B]**

E. Other Items:

- 1) **Nominating Committee to Select ABA Delegates** (*Chair Buck Files*)

Approval of appointment of delegate to the American Bar Association House of Delegates for an unexpired term expiring at the conclusion of the 2016 ABA Annual Meeting:

**Allan K. DuBois (San Antonio)**  
**Lisa M. Tatum (San Antonio)**  
**Thomas Forbes (Austin)**  
**Michele Wong Krause (Dallas)**

- 2) Approval of resolution honoring:

**Judge Janis L. Yarbrough (Galveston) [Exhibit C]**  
**Doryn Danner Glenn (Galveston) [Exhibit D]**

## II. REPORTS

### A. Report from the Chair of the Board:

Chair Roger Key reported that two years ago, the Board committed to a coordinated communications plan in order to communicate to our constituents how the State Bar serves members and the public. In October, a communications letter will go out to all constituents in each district from each director in that district. In February, a similar process will take place but for an e-blast. Directors also received a PowerPoint presentation to present to local bar associations in their district that is MCLE accredited for the entire Bar year, as well as a variety of handouts that can be shared when they present at a local bar.

Chair Key solicited candidates for the 2015-16 Chair of the Board. Per Board policy, second-year voting directors interested in running for chair shall notify the current Chair in writing before the January Board meeting of his or her intention to seek that position for the following Bar year. Directors shall also submit a one- or two-page statement of position, outlining the director's views and strategies relative to the issues of greatest significance to the Board and the State Bar.

Chair Key reported that at the annual meeting, the general assembly adopted a resolution regarding Limited Partnerships and Professional Associations. The policy manual requires the Board to consider adopted resolutions and decide whether they are of such importance to call a referendum. This resolution did not propose a rules change that would require a referendum, therefore the recommendation is to forward the resolution to the Tax Section for consideration.

**David Chamberlain moved for approval to forward the proposed resolution concerning Limited Partnerships and Professional Associations to the Tax Section for consideration; Lance Sharp seconded. Motion carried. [Exhibit E]**

Chair Key reported that the general assembly at annual meeting also adopted a resolution regarding Supreme Court Orders, requests, and instructions. This resolution also did not propose a rules change that would require a referendum. The resolution requests that Supreme Court orders, requests, and instructions be published in the Texas Bar Journal and on the State Bar website. Supreme Court orders are already published in the Bar Journal. As the resolution suggested, staff has also created a web page on Texasbar.com for this information. Therefore, the recommendation is to refer the resolution to the Communications division for continued implementation.

**John Jansonius moved for approval to refer the proposed resolution concerning Supreme Court Orders, requests, and instructions to the SBOT Communications division for continued implementation; Lance Sharp seconded. Motion carried. [Exhibit F]**

B. Report from the President:

President Trey Apffel gave background information on new minority director Anna Sankaran and welcomed her to the Board. President Apffel reported that since Annual Meeting, he has talked with bar leaders across the nation at events ranging from the Bar Leaders Conference to the ABA Annual Meeting. LeadershipSBOT kicked off last weekend in Austin. On Wednesday, September 17<sup>th</sup>, the third CLE seminar for solo and small firm practitioners was held in Galveston, and the program was a success with more than 150 attendees. The State Bar's social media presence continues to grow, with our Twitter account reaching 10,000 followers last month. Texas Bar Connect continues to operate in test mode with select State Bar Sections. Texasbar.com is being redesigned to have a fresh, clean layout that makes it even easier for people to access our most popular features.

President Apffel reported that at the Executive Committee meeting on September 4, the MCLE Committee presented a proposal to eliminate the MCLE Exemption for attorneys who are over 70 years of age. Currently, attorneys over the age of 70 are exempt from having to take CLE. Back in April, the Aging Lawyers Task Force presented a similar recommendation to the Board, and the issue was forwarded to the MCLE Committee for their recommendation. The Executive Committee had good discussion about the proposal, but felt it needed to do more research on these issues, study ways of implementation, and continue to get input from the MCLE Committee. Therefore, the Executive Committee decided to hold it for further discussion and study until the January Board meeting.

President Apffel discussed the new webpage, [texasbar.com/volunteer](http://texasbar.com/volunteer), which provides information on training and pro bono opportunities to attorneys interested in volunteering to help meet the legal needs of unaccompanied minors crossing our southern border. A separate webpage was created, [texasbar.com/immigration](http://texasbar.com/immigration), to offer general resources on immigration law to the public, including Spanish-language videos warning about the problem of *notario* fraud. President Apffel also co-wrote a column along with Leland De la Garza for *The McAllen Monitor* that further explained the difference between attorneys and *notarios* to members of the public seeking legal services. President Apffel introduced Jonathan Ryan from the Refugee and Immigrant Center for Education and Legal Services (RAICES), which provides free and low-cost legal services to under-served immigrant children, families and refugees in Central and South Texas, and Charles Foster of Foster Quan, LLP, the second largest immigration law firm in the nation, and both spoke on immigration pro bono initiatives.

Ruben Robles stated that concerns have been raised about the Texas Board of Legal Specialization and their standards required to sit for a certification exam. TBLS Board members are appointed by the State Bar President and govern the standards for certification, and they from time to time review them as necessary. Robles told the Board to contact Gary McNeil at TBLS with any questions or concerns.

President Apffel noted that in early August, the Ad Hoc Submission Committee approved an emergency approval request from the Bankruptcy Law Section for approval to file an amicus brief in the case of *Baker Botts LLP v. ASARCO LLP*, on a petition for writ of certiorari in the U.S. Supreme Court. The brief was filed on August 29<sup>th</sup>, and the case involved whether Bankruptcy Code Section 330(a) grants judges the discretion to award fees for a defense of fees in a bankruptcy case. The Section's position is that judges should have this

discretion. Legal counsel's view was that the amicus request fell within the purposes of the State Bar and within the Section's interest and expertise. The Ad Hoc Submission Committee approved the request in August and the Executive Committee ratified the approval at its September 4<sup>th</sup> meeting. There was some discussion regarding the process of approval done by the Ad Hoc Submission Committee and whether or not it would be possible to distribute the brief to the entire Board prior to approval by the Ad Hoc Committee.

**President Apffel moved to ratify the Ad Hoc Submission Committee's approval of the Bankruptcy Law Section's request to file an amicus in *Baker Botts LLP v. ASARCO LLP*; Immediate Past President Lisa Tatum seconded. Motion carried. [Exhibit G]**

President Apffel reported that on August 21<sup>st</sup>, director David Chaumette received a public reprimand. President Apffel noted that Chaumette has resigned from the Board for personal reasons, effective today.

C. Report from the President-elect:

President-elect Allan DuBois reported that over the summer, he attended the ABA annual meeting in Boston, and had the pleasure of welcoming new law students at the Texas A&M and St. Mary's orientations.

President-elect DuBois reported that the Budget Committee held its first meeting yesterday to discuss the State Bar's budget process and timeline. Budget worksheet packets will be furnished to division and department directors on October 3 with a deadline completion date of October 17. The Budget Committee is scheduled to meet on Wednesday, December 10 in order to discuss and finalize a proposed FY 2015-16 budget for presentation to the January Executive Committee and to the Board at their respective meetings.

The State Bar Act requires the Board to conduct a comprehensive review of the standing committees biennially to determine two things; whether there is a continued need for each committee, and whether there is unnecessary overlap of committee activities. The Committee Review Task Force will meet with each of the committee chairs and review the activities of each committee over the past two years, with a goal of completing their final report by the April Board meeting. [Exhibit H]

D. Report from the Immediate Past President:

Immediate Past President Lisa Tatum noted that she was honored to represent the State Bar in accepting a National Association of Bar Executives LexisNexis Community and Educational Outreach Award for *I was the First. Vote for Me!* More than 15,000 *I was the First* books have been distributed to teachers and school children. Immediate Past President Tatum also reported that she led a presentation with Missouri Bar Past President Lynn Ann Vogel at the ABA Meeting in Boston, highlighting successful bar programs including Texas Lawyers for Texas Veterans. In August, the State Bar hosted a Diversity & Inclusion Retreat for a group of State Bar and TYLA leaders in order to bring together everyone involved with our diversity efforts to share projects, ideas, and ways to help each other. They broke into three groups, attract, build, and connect, and the dialogue was beneficial and will lead to increased cooperation among State Bar and diversity leaders.

E. Nominations and Elections Subcommittee:

The Nominations and Elections subcommittee has begun the process of finding potential nominees to run for President-elect. For this election cycle, it is a big city year, meaning that potential nominees may come from the metropolitan areas of the state. The subcommittee met yesterday to consider potential nominees, and plans to conduct interviews in December in order to submit the names of two nominees to the Board in January for consideration. Also, this is the year that the State Bar's redistricting of elected board positions goes into effect, as a result of the reapportionment of one director position from Houston to Austin that was approved in 2012. Therefore, this year there will be only two positions up for election in District 4, and one new position is up for election in District 9. The election is from April 1-30.

F. Policy Manual Subcommittee:

Diane DeVasto reported on the proposed revisions to Policy Manual Section 3.06 concerning inventory of capital items, purchase orders, and references to the Comptroller. The second proposed revision consists of an addition of new section 3.07.01(F), which would set a 45-day deadline for submission of requests for reimbursement by Board members. The third category of proposed changes is to add three new provisions, Sections 4.04.16, 5.01.08, and 5.04.06 to serve as reminders to committees, sections and divisions that they are not separate from the State Bar and thus cannot sign contracts for goods or services in their own name. There was discussion on the portion pertaining to section contracts, and DeVasto suggested looking into this particular item in the future to see if any further amendments will need to be made.

**On behalf of the Policy Manual Subcommittee, DeVasto moved for approval of the proposed revisions to Board Policy Manual; no second needed. Motion carried. [Exhibit I]**

G. Commission for Lawyer Discipline/Chief Disciplinary Counsel:

Guy Harrison gave a general report on the make-up and purpose of the Commission for Lawyer Discipline, confidentiality provisions for Board members, first quarter sanction breakdown and first quarter attorneys' fees collections, and grievance committee members. **[Exhibit J]**

H. Texas Young Lawyers Association:

TYLA President Rebekah Steely Brooker asked the Board to help encourage young lawyers to become active members of TYLA. Brooker also reported on upcoming TYLA project rollouts and various public service projects for the year.

I. Administration Committee:

Laura Gibson reported on the various projects that each subcommittee of the Administration Committee will be working on for the upcoming year. The Employment/Salary/Evaluation Subcommittee will be reviewing the Texas Legal Protection Plan as part of Board policy 1.17. The Employee Handbook will also be revised since the last update was completed in 2010. The Facilities and Equipment Subcommittee will be touring properties for the Houston CDC office, whose lease expires October 31, 2015. The state UPL Committee held its quarterly meeting on August 16<sup>th</sup>, and received reports on pending matters, considered requests for authorization of suit, and discussed other topics of interest affecting the unauthorized practice of law.

J. Audit and Finance Committee:

Tom Riney reported that the total amount of revenues for FY 2013-14 was \$39.2 million with total expenditures and operating transfers of \$38.6 million. The next excess for the general fund was \$596,000, and the fund balance as of May 31, 2014 is approximately \$14.6 million. The actual net excess for the first two months of this fiscal year was \$991,000, which resulted in a positive net variance of \$333,000 at the end of July. The CPA firm of Padgett & Stratemann is performing the State Bar's financial audit for FY 2013-14, and Maxwell Locke & Ritter is performing the internal audit. Both audits will be presented for approval at the January Board meeting. Ken Couch, senior managing consultant with PFM, gave an investment presentation. The State Bar's investment portfolio is invested in federal agency securities, high quality commercial paper, certificates of deposit and AAAM-rated money market mutual funds. Interest rates continue to be very low, however, PFM representatives work with State Bar staff to place investments in those areas that will produce the highest yields while maintain safety of principal. The portfolio generated a quarterly total return of .07% which outperformed the benchmark 6-month Merrill Lynch Treasury Index return of .03%.

**On behalf of the Audit and Finance Committee, Riney moved for the following:**

**(1) Acceptance of the May 2014 quarterly investment report; no second needed. Motion carried.**

**(2) Approval of PFM Asset Management, LLC, Patterson & Associates, and The University of North Texas Center for Public Management as the Public Funds Investment Act Trainers; no second needed. Motion carried.**

**(3) Adoption of the PFM broker/dealer list for investments; no second needed. Motion carried.**

**(4) Adoption of the SBOT current investment policy; no second needed. Motion carried. [Exhibit K]**

K. Client Security Fund Subcommittee:

Sara Dysart reported that the Client Security Fund subcommittee met yesterday and 28 applications were presented for a total amount approved of \$99,029.

L. Appeals/Grants Review Subcommittee:

Scott Rothenberg reported that the Appeals/Grants Review Subcommittee received a request from the Texas Young Lawyers Association for authorization to seek outside funding from the Texas Bar Foundation for their public service project called "*The Bullying Project*", a web based program to teach kids and adults about bullying laws and available resources to the public. The Appeals/Grants Review Subcommittee unanimously approved the request to seek funding from the Texas Bar Foundation for this project. **[Exhibit L]**

M. Professional Development Subcommittee:

Gary Nickelson reported that the CLE Committee and Board PDP subcommittee held a joint meeting on August 29 to brainstorm new topics, hear staff reports, discuss Fast Case and Casemaker, budget revenues and expenditures, and two new books coming out from TexasBarBooks.

N. Insurance/Member Benefits Subcommittee:

David Chamberlain gave an update on the Texas Bar Private Insurance Exchange, reporting on enrollment and member savings and discounts of the exchange.

O. Technology Oversight Subcommittee:

Louis Iselin reported that the Technology Oversight subcommittee met on September 15 and received reviews of the Technology Fund, the State Bar technology environment, and various projects in progress, including the texasbar.com design refresh and replacement of the Bar's current backup system. Iselin reported that all of the Business Technology Plan's technology goals are focused in four strategic areas: improvement of technology infrastructure, improvement of business systems, leveraging eBusiness or online opportunities, and security and compliance.

**On behalf of the Technology Oversight Subcommittee, Iselin moved for approval of the Business Technology Plan; no second needed. Motion carried. [Exhibit M]**

P. Affordable Legal Services Subcommittee:

Susan Nelson reported that the State Bar is funding three post-graduate fellowships for a lawyer to work at each of the big LSC programs, handling family law cases for a three year period. We received a letter from one participant working for Lone Star Legal Aid, expressing his gratitude for the grant. **[Exhibit N]**

Q. Legislative Policy Subcommittee:

Jaime Balli reported that the Legislative Policy Subcommittee met on August 22<sup>nd</sup> to consider proposals from four Sections: Animal Law, Family Law, LGBT Law, and REPTL. The legislative submission and review process is set out in Section 8 of Board policy and includes Sections submitting proposals as well as circulating them to all other Sections and Committees for review and/or comment, review by Legal Counsel, Section presentation to the subcommittee, and analysis by the subcommittee. In making their recommendations, the subcommittee considered whether each of the proposals conform to the requirements of Section 8.01 of the policy manual, and, if the proposal passed the first question, the subcommittee voted to recommend support, remain neutral, or oppose the proposed legislation. The subcommittee voted to recommend support of all 20 Section proposals. While the subcommittee did not initially vote to recommend support for all four proposals of the REPTL Section, the Section removed one area of concern and demonstrated that they were continuing to work with the Business Law Section on another proposal, and the subcommittee changed their position to support. Brian Miller discussed the reports from each Section and made suggestions on how the reports could be improved. Members of the subcommittee explained that each Section has a representative that comes to speak to the subcommittee on behalf of the Section about their proposal, and the subcommittee fully vets each proposal. An amendment was suggested to support all proposals except Family Law and REPTL, but was later withdrawn.

**On behalf of the Legislative Policy Subcommittee, Jaime Balli moved for the following:**

**(1) Adoption of the recommendation that the 20 proposals that are marked “support” comply with Section 8.01.03 of Board policy; no second needed. Motion carried.**

**Brian Miller moved to amend the motion to support the 20 proposals and vote on the following proposals separately; Family Law – proposals 2, 3, 4, 5, 7 and 8, and REPTL – proposal 17; Louis Iselin seconded. Motion failed.**

**(2) Adoption of the recommendation to support all 20 proposals; no second needed. Motion carried.**

[The full text of the Legislative Program is included in the report submitted by the Legislative Policy subcommittee.]

<b>2015 LEGISLATIVE PROGRAM – PROPOSED LEGISLATION TABLE OF CONTENTS</b>		
<b>TAB</b>	<b>PROPOSAL</b>	<b>COMMITTEE RECOMMENDATION</b>
<b>ANIMAL LAW (TAB 1)</b>		
<b>1</b>	<i>Relating to appeals regarding dangerous dogs.</i> Proposed Amendments to Sections 822.0421 (Determination That Dog is Dangerous) and 822.0423 (Hearing), Health and Safety Code. Proposed New Section 822.0424 (Appeal), Health and Safety Code.	Support
<b>FAMILY LAW (TABS 2-15)</b>		
<b>2</b>	<i>Relating to use of digitized signatures in Title 1, Title 2 and Title 4, Family Code.</i> Proposed New Sections 1.109 (Use of Digitized Signature), 46.001 (Use of Digitized Signature) and 71.008 (Use of Digitized Signature), Family Code.	Support
<b>3</b>	<i>Relating to the temporary restraining order filed in a dissolution of marriage.</i> Proposed Amendment to Section 6.501 (Temporary Restraining Order), Family Code.	Support
	<i>Relating to waivers of service.</i>	

4	Proposed New Sections 31.008 (Waiver of Service), 45.201 (Waiver of Service) and 102.015 (Waiver of Service), Family Code.	Support
5	<i>Relating to definitions in Title 2, Family Code.</i> Proposed New Chapter 46, Family Code. Proposed New Sections 46.001 (Applicability of Definitions) and 46.002 (Amicus Attorney or Attorney ad Litem), Family Code.	Support
6	<i>Relating to family violence.</i> Proposed Amendments to Sections 71.0021 (Dating Violence) and 71.004 (Family Violence), Family Code.	Support
7	<i>Relating to the dismissal or nonsuit of an application for a protective order.</i> Proposed New Section 82.011, (Dismissal or Nonsuit of Application), Family Code.	Support
8	<i>Relating to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationship.</i> Amends Subchapter D (Child Custody Evaluation), Chapter 107, Family Code.*  *Proposals are a substantial re-write of current Subchapter D, Chapter 107 (Social Study).  Proposed New Section 104.008 (Certain Testimony Prohibited), Family Code. Proposed Amendments to Sections 153.605 (Appointment of Parenting Coordinator), 162.0025 (Adoption Sought by Military Service Member), 162.003 (Adoption Evaluation), 162.0045 (Preferential Setting), 203.004 (Powers and Duties), and 203.005 (Fees and Charges), Family Code. Proposed Amendment to Section 411.1285 (Access to Criminal History Record Information: Domestic Relations Office), Government Code. Proposed Amendment to Section 152.06331 (Dallas County Domestic Relations Office), Human Resources Code.	Support
9	<i>Relating to conservatorship and possession orders in cases in which a pattern of family violence has been established and in cases in which pregnancy results from a criminal act.</i> Proposed Amendment to Section 153.004 (History of Domestic Violence or Sexual Abuse), Family Code. Proposed New Section 153.0041, Family Code.	Support
10	<i>Relating to the Duty to Provide Information</i> Proposed Amendments to Section 153.076 (Duty to Provide Information), Family Code.	Support
11	<i>Relating to the definition of "school" as used in Title 5 of the Texas Family Code.</i> Proposed Amendments to Sections 101.028 (School) and 153.3101 (Reference to "School" in Standard Possession Order), Family Code.	Support
12	<i>Relating to a suit for possession of or access to a child by a grandparent.</i> Proposed Amendments to Sections 153.432 (Suit for Possession or Access by Grandparent) and 153.433 (Possession of or Access to Grandchild), Family Code.	Support



13	<p><i>Relating to temporary orders modifying prior conservatorship orders.</i></p> <p>Proposed Amendment to Section 156.006 (Temporary Orders), Family Code.</p>	Support
14	<p><i>Relating to a finding of contempt for violation of a temporary restraining order, standing order, temporary injunction or temporary order.</i></p> <p>Proposed Amendments to Sections 157.001 (Motion for Enforcement), 157.062 (Notice of Hearing) and 157.065 (Notice of Hearing, First Class Mail), Family Code.</p>	Support
15	<p><i>Relating to name changes by Associate Judges in family law cases.</i></p> <p>Proposed Amendments to Sections 201.001 (Appointment), 201.005 (Cases that May be Referred) and 201.018 (Visiting Associate Judge), Family Code.</p>	Support
<b>LGBT LAW (TAB 16)</b>		
16	<p><i>Relating to the repeal of the offense of homosexual conduct.</i></p> <p>Proposed Repeal of Section 21.06 (Homosexual Conduct), Penal Code. Proposed Amendments to Sections 85.007 (Education Programs for Minors) and 163.002 (Instructional Elements), Health and Safety Code.</p>	Support
<b>REAL ESTATE PROBATE AND TRUST LAW (TABS 17-20)</b>		
17	<p><i>Relating to decedents' estates.</i></p> <p>Proposed Amendments to Sections 21.002 (Construction), 113.004 (Types of Accounts) and 113.152 (Ownership of P.O.D. Account on Death of Party), Estates Code. Proposed New Subchapter A. (Disclaimers), Estates Code. Proposed New Sections 122.001 (Short Title), 122.002 (Definitions), 122.003 (Scope), 122.004 (Chapter Supplemented by Other Law), 122.005 (Power to Disclaim by Person Other Than a Fiduciary), 122.006 (Power to Disclaim by a Person Designated to Serve as or Serving as Fiduciary), 122.007 (Power to Disclaim by Fiduciary Acting in a Fiduciary Capacity), 122.008 (General Requirements; When Irrevocable), 122.009 (Disclaimer of Interest in Property), 122.010 (Disclaimer of Rights in Survivorship Property), 122.011 (Disclaimer of Interest by Trustee), 122.012 (Disclaimer of Power of Appointment or Other Power Not Held in Fiduciary Capacity), 122.013 (Disclaimer by Appointee, Object, or Taker in Default of Exercise of Power of Appointment), 122.014 (Disclaimer of Power Held in Fiduciary Capacity), 122.015 (Delivery or Filing), 122.016 (When Disclaimer Barred or Limited), 122.017 (Tax Qualified Disclaimer), 122.018 (Recording of Disclaimer), 122.019 (Application to Existing Relationships), 122.020 (Uniformity of Application and Construction) and 122.021 (Severability Clause), Estates Code. Proposed Amendment to Sections 123.001 (Will Provisions Made Before Dissolution of Marriage) and 123.052 (Revocation of Certain Nontestamentary Transfers; Treatment of Former Spouse as Beneficiary Under Certain Policies or Plans), Estates Code. Proposed New Subchapter D. (Effect of Dissolution of Marriage on Certain Accounts). Proposed New Section 123.151 (Designation of Former Spouse as Beneficiary on Financial Accounts), Estates Code. Proposed Amendments to Sections 201.051 (Maternal Inheritance), 201.052 (Paternal Inheritance), 201.056 (Persons Not</p>	Support

	<p>in Being), 202.005 (Application for Proceeding to Declare Heirship), 202.055 (Service of Citation on Certain Persons Not Required), 202.056 (Waiver of Service of Citation) and 202.201 (Required Statements in Judgment), Estates Code. Proposed New Section 251.053 (Exception for Foreign and Certain Other Wills). Proposed Amendments to Sections 251.1045 (Simultaneous Execution, Attestation and Self-Proving), 253.001 (Court May Not Prohibit Changing a Will) and 254.005 (Forfeiture Clause), Estates Code. Proposed New Subchapter I. (Class Gifts), Estates Code. Proposed New Sections 255.304 (Applicability of Subchapter) and 255.401 (Posthumous Class Gift Membership), Estates Code. Proposed New Subchapter J. (Judicial Modification or Reformation of Wills), Estates Code. Proposed New Sections 255.451 (Circumstances Under Which a Will May be Modified or Reformed), 255.452 (Judicial Discretion), 255.453 (Retroactive Effect), 255.454 (Powers Cumulative) and 255.455 (Duties Not Created), Estates Code. Proposed Amendments to Sections 256.003 (Period for Admitting Will to Probate; Protection for Certain Purchasers), 256.051 (Eligible Applicants for Probate of Will), 256.052 (Contents of Application for Probate of Will), 256.054 (Additional Application Requirements When No Will is Produced), 256.152 (Additional Proof Required for Probate of Will), 257.051 (Contents of Application Generally), 257.053 (Additional Application Requirements When No Will is Produced), 301.051 (Eligible Applicants for Letters), 301.052 (Contents of Application for Letters of Administration), 308.004 (Affidavit or Certificate), 309.001(Appointment of Appraisers), 309.056 (Affidavit in Lieu of Inventory, Appraisal and List of Claims), 352.052 (Allowance for Defense of Will), 353.051 (Exempt Property to be Set Aside), 353.052 (Delivery of Exempt Property), 401.002 (Creation in Testate Estate by Agreement), 353.153 (Title to Property of Insolvent Estate), 353.154 (Certain Property Not Considered in Determining Solvency), 401.003 (Creation in Intestate by Agreement) and 401.006 (Granting Power of Sale by Agreement), Estates Code. Proposed New Chapter 456 (Lawyer Trust Accounts), Estates Code. Proposed New Section 456.001 (Disposition of Lawyer Trust Accounts), Estates Code. Proposed Amendments to Sections 501.001 (Authority for Ancillary Probate of Foreign Will) and 501.006 (Ancillary Letters Testamentary), Estates Code. Proposed Amendments to Sections 42.001 (Personal Property Exemption), 141.007 (Other Transfer by Fiduciary) and 141.008 (Transfer by Obligor), Property Code. Proposed Repeal of Chapter 122 (Disclaimers and Assignments), Subchapters A (General Provisions Relating to Disclaimer), B (Form, Filing and Notice of Disclaimer), C (Effect of Disclaimer), and D (Partial Disclaimer), Estates Code. Proposed Repeal of Section 112.010 (Acceptance or Disclaimer by or on Behalf of Beneficiary), Subsections (b), (c), (c-1), (c-2), (c-3), (d) and (e), Property Code.</p>	
<p><b>18</b></p>	<p><i>Relating to guardianships and to court-created management trusts for persons who have physical disabilities or who are incapacitated.</i></p> <p>Proposed Amendments to Sections 1023.005 (Court Action), 1023.010 (Review of Transferred Guardianship), 1051.104 (Notice by Applicant for Guardianship), 1052.001 (Guardianship Docket),</p>	<p>Support</p>

	1101.001 (Application for Appointment of Guardian; Contents), 1104.154 (Alternative to Self-Proving Affidavit), 1104.205 (Alternative to Self-Proving Affidavit), 1105.155 (Agreement Regarding Deposit of Estate Assets), 1155.151 (Costs in Guardianship Proceeding Generally), 1155.202 (Compensation and Costs Payable Under Medical Assistance Program), 1203.202 (Rights, Powers, and Duties of Successor Guardian), 1253.051 (Application for Receipt and Acceptance of Foreign Guardianship), 1301.1535 (Initial Accounting by Certain Trustees Required), 1351.001 (Authority to Sell Minor's Interest in Property Without Guardianship), 1351.002 (Application; Venue), 1351.051 (Applicability of Subchapter) and 1351.052 (Authority to Sell Ward's Interest in Property Without Appointment As Guardian of the Estate), Estates Code.	
<b>19</b>	<p><i>Relating to trusts.</i></p> <p>Proposed Amendments to Sections 42.0021 (Additional Exemption for Certain Savings Plans), 111.004 (Definitions), 112.035 (Spendthrift Trusts), 112.038 (Forfeiture Clause), 112.054 (Judicial Modification or Termination of Trusts), 112.071 (Definitions), 112.072 (Distribution to Second Trust: Trustee with Full Discretion), 112.078 (Court-Ordered Distribution), 112.085 (Exceptions to Power of Distribution), 113.018 (Employment of Agents), 114.003 (Powers to Direct), 115.002 (Venue) and 181.083 (Creating Additional Powers), Property Code.</p>	Support
<b>20</b>	<p><i>Relating to durable powers of attorney, medical powers of attorney, directives to physicians and family or surrogates, disposition of remains, and other documents allowing a principal to designate agents or issue directives.</i></p> <p>Proposed Amendments to Section 751.002 (Definition of Durable Power of Attorney). Proposed Language Deletion of Section 751.003 (Uniformity of Application and Construction) (becomes <i>Presumption of Genuine Signature</i>). Proposed Language Deletion of Section 751.004 (Duration of Durable Power of Attorney) (becomes <i>Validity of Power of Attorney</i>). Proposed Language Deletion of Section 751.005 (Extension of Principal's Authority to Other Persons) (becomes <i>Meaning and Effect of Durable Power of Attorney</i>). Proposed Language Deletion of 751.006 (Rights Cumulative) (becomes <i>Judicial Relief</i>). Proposed New Sections 751.007 (Co-Agents and Successor Agents), 751.008 (Reimbursement and Compensation of Agent) and 751.009 (Uniformity of Application and Construction – formerly 751.003), Estates Code. Proposed Renumbering of Section 751.005 (Extension of Principal's Authority to Other Persons) (becomes Section 751.010). Proposed Renumbering of Section 751.006 (Rights Cumulative) (becomes Section 751.011). Proposed Amendment to Subchapter B, (Effect of Certain Acts on Exercise of Durable Power of Attorney), Estates Code. Proposed Amendments to Section 751.051 (Effect of Acts Performed by Attorney in Fact or Agent During Principal's Disability or Incapacity). Proposed Amendment to Section 751.052 (Relation of Attorney in Fact or Agent to Court-appointed Guardian of Estate). Proposed Language</p>	Support

	<p>Deletion of Section 751.053 (Effect of Principal’s Divorce or Marriage Annulment if Former Spouse is Attorney in Fact or Agent) (becomes <i>Termination of Durable Power of Attorney or Agent’s Authority</i>). Proposed Language Deletion of Section 751.054 (Knowledge of Termination of Power: Good Faith Acts). Proposed Language Deletion of Section 751.055 (Affidavit Regarding Lack of Knowledge of Termination of Power or of Disability or Incapacity; Good Faith Reliance). Proposed Language Deletion of Section 751.056 (Nonliability of Third Party on Good Faith Reliance). Proposed Renumbering of Section 751.057 (Effect of Bankruptcy Proceeding) (becomes Section 751.054). Proposed New Section 751.055 (Acceptance of and Reliance on Power of Attorney). Proposed New Section 751.056 (Liability for Refusal to Accept Power of Attorney). Proposed Language Deletion of Section 751.058 (Effect of Revocation of Durable Power of Attorney on Third Party). Proposed Amendments to Sections 751.101 (Fiduciary Duties), 751.102 (Duty to Timely Inform Principal), 751.103 (Maintenance of Records), 751.104 (Accounting), 751.105 (Effect of Failure to Comply; Suit) and 751.106 (Effect of Subchapter on Principal’s Rights) and 751.151 (Recording for Real Property Transactions Requiring Execution and Delivery of Instruments), Estates Code. Proposed New Subchapter E. (Authority of Agent Under Power of Attorney). Proposed New Sections 751.201 (Authority That Requires Specific Grant; Grant of General Authority), 751.202 (Gifts), 751.203 (Beneficiary Designations) and 751.204 (Incorporation of Authority), Estates Code. Proposed Amendment to Section 752.051 (Form), Estates Code. Proposed New Section 752.052 (Modifying Statutory Form to Grant Specific Authority), Estates Code. Proposed Amendments to Sections 752.102 (Real Property Transactions), 752.109 (Estate, Trust, and Other Beneficiary Transactions) and 752.111 (Personal and Family Maintenance), Estates Code.</p> <p>Proposed Amendments to Sections 166.003 (Witnesses), 166.033 (Form of Written Directive), 166.152 (Scope and Duration of Authority), 166.155 (Revocation) and 166.162 (Disclosure Statement), Health and Safety Code. Proposed Language Deletion of Section 166.163 (Form of Disclosure Statement) (becomes <i>Designation of Co-Agents</i>), Health and Safety Code. Proposed Amendments to Sections 166.164 (Form of Medical Power of Attorney) and 711.002 (Disposition of Remains; Duty to Inter), Health and Safety Code.</p>	
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R. Section Representatives to the Board:

Scott Rothenberg thanked the Board for their role as advisors and alternate advisors to Sections. The Section representatives met with the Animal Law Section to discuss updates to their bylaws, and unanimously approve the proposed changes.

**Larry Boyd moved for approval of the Animal Law Section’s request to amend its bylaws; Susan Nelson seconded. Motion carried. [Exhibit O]**

S. Supreme Court Liaison:

Justice Phil Johnson reported that the Court has adopted the final rules on governing International Law Practice. Justice Johnson complimented the State Bar staff on the hard work they do.

T. Report from the Executive Director:

Michelle Hunter reported that Immediate Past President Lisa Tatum has been awarded the prestigious Difference Maker Award from the ABA Solo, Small Firm and General Practice Division. The *Making a Difference Through Community Service Award* honors an attorney who has made a significant lifetime contribution to the local community through community service. Hunter presented Caren des Vignes from Minority Affairs with the Employee of the Quarter Award.

U. **Closed Session: At 12:27 p.m., the Board recessed the open meeting and reconvened in closed session pursuant to Texas Government Code, Section 551.071 and 551.074, for the purpose of consultation with legal counsel concerning pending or contemplated litigation, and concerning a personnel matter. With the exception of Board liaisons and Section representatives, all other individuals including non-essential and other guests excused themselves from the closed session.**

**Open Session: At 12:43 p.m., the open session of the Board of Directors meeting reconvened. During the closed session, only matters relating to consultations with legal counsel concerning pending or contemplated litigation and a personnel matter were discussed. No action was taken in closed session.**

There being no further business, the meeting was adjourned at 12:44 p.m.

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