

**OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
Omni Hotel
Fort Worth, TX
Wednesday, June 15, 2016**

The Board of Directors of the State Bar of Texas met in a regular session on June 15, 2016 at the Omni Fort Worth Hotel. Chair of the Board David Chamberlain 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. Alison Colvin delivered the invocation and Curry Cooksey led the pledges to the U.S. and Texas flags.

Present:

Board Members: Rehan Alimohammad, Immediate Past President Trey Apffel, Ben Barlow, Barbara Bass, Micah Belden, Brent Benoit, TYLA Immediate Past President Rebekah Brooker, Amy Bryan, Alan Carmichael, Frank Carroll, Chair of the Board David Chamberlain, Curry Cooksey, Diane DeVasto, President Allan K. DuBois, Richard Elliott, Joe Escobedo, Sylvia Firth, Ricky Gonzalez, August Harris, Rice Horkey, TYLA President-elect Sam Houston, Joe Indelicato, John Jansonius, Andy Kerr, Immediate Past Chair of the Board Roger Key*, Mary Martin, Brian Miller, Susan Nelson, Gary Nickelson, Gail Plummer, Florentino Ramirez, Ruben Robles, Anna Sankaran, Ford Sasser, Lance Sharp, Scott Sherwood, Rebecca Simmons, Scott Stolley, President-elect Frank Stevenson, TYLA President Barrett Thomas, Andrew Tolchin, Travis Torrence, Michael Wynne

Liaisons*: Judge Fred Biery, Justice Phil Johnson, Judge Michael Keasler, Tim Mountz, Judge Pat Pirtle

Section Representatives*: Alison Colvin, Philip Mack Furlow, Tina Green, Pat Maher, Audrey Moorehead,

Excused Absences: Leon Carter, Carter Crow, Ann Greenberg, Grant Scheiner*, Andrew Wallace

(* = nonvoting)

I. CONSENT AGENDA ITEMS

Upon motion properly made by Joe Indelicato and seconded by Brian Miller, the following items from the Consent Agenda were approved:

A. The minutes of the April 15, 2016 Board meeting

B. Appointments to the following entities:

1) **Law Focused Education, Inc.**, for a two-year term effective June 1, 2016 through May 31, 2018:

Dr. Mary Lee Webeck (Houston)

2) **Section Representatives to the Board Committee**, for three-year terms effective Annual Meeting 2016 through Annual Meeting 2019:

Wendy Burgower (Large-Sized Section, Houston)

Erich Birch (Medium-Sized Section, Austin)

For a one-year term effective Annual Meeting 2016 through Annual Meeting 2017:

Pat Maher (Fort Worth), Chair

Tina Green (Texarkana), Vice Chair

2) **Texas Bar College**, for three-year terms effective June 1, 2016 through May 31, 2019:

Arnold Aguilar (Brownsville)
Dylan Drummond (Dallas)
John C. Grace (Lubbock)
Hon. George C. Hanks, Jr. (Galveston)

Roland Johnson (Fort Worth)
Laura Prather (Austin)
Hon. Steven L. Smith (Bryan)

3) **Texas Access to Justice Commission**, for three-year terms effective June 1, 2016 through May 31, 2019:

Richard LaVallo (Austin)
Harriet Miers (Dallas)

4) **Texas Access to Justice Foundation**, for three-year terms effective September 1, 2016 through August 31, 2019:

Becky Baskin Ferguson (Midland)
Terry Tottenham (Austin)

5) **Texas Bar Foundation**, for a one-year term effective June 1, 2016 to May 31, 2016:

Board liaison:

Joe Indelicato (Houston)

6) **Texas Board of Legal Specialization**, for three-year terms effective July 1, 2015 through June 30, 2018:

Frank Carroll (Dallas)
Amy Dashiell (Austin)
Grant Scheiner (Houston)
Brian Webb (Dallas)

7) **Texas Board of Legal Specialization**, for an unexpired term effective June 15, 2016 through June 30, 2017:

J. Brett Harrison (Tyler)

C. Appointments to the following standing committees (per State Bar Rules, Art. VIII, Section 1B):

for three-year terms effective on the adjournment of Annual Meeting 2016 through the adjournment of Annual Meeting 2019:

Child Abuse and Neglect
Tiffany Crouch Bartlett-Member (Round Rock)

Continuing Legal Education
Tom Keyser-Member (San Antonio)

Pattern Jury Charges-Criminal
Craig Moore-Member (Austin)

Pattern Jury Charges-General Negligence
Ricky Richards-Member (Jacksonville)

Carlos Soltero-Member (Austin)

Professionalism

Robert W. Higgason-Member (Houston)

Real Estate Forms

Ramona Kantack Alcantara-Member (San Antonio)

Michael Lactson-Member (Houston)

Marilyn Maloney-Member (Houston)

Edmund McCarthy, Jr.-Member (Austin)

Texas Bar Journal Board of Editors

Sarah Keathley-Member (Corsicana)

Women in the Profession

Ali Gallagher-Member (Austin)

for one-year terms effective on the adjournment of Annual Meeting 2016 through the adjournment of Annual Meeting 2017:

Administration of Rules of Evidence

Amanda Crouch-Advisory Member (San Antonio)

Advertising Review

Courtney Stamper-Advisory Member (Waxahachie)

Child Abuse and Neglect

Artessia House-Advisory Member (San Antonio)

Continuing Legal Education

Robert Ford-Advisory Member (Houston)

Court Rules

Shannon Rhoads-Advisory Member (El Paso)

Crime Victims

Patricia Dixon-Advisory Member (Austin)

Disability Issues

Dominic Negron-Advisory Member (San Antonio)

Lynda Frost – Chair (Austin)

Diversity in the Profession

Ebony Rivon-Advisory Member (Dallas)

Jury Service

Jacqueline Furlow-Advisory Member (Houston)

Law Focused Education

Adam Falco-Vice Chair (College Station)

Kendra Wiley-Advisory Member (Arlington)

Laws Relating to Immigration and Nationality

Steve Wu-Advisory Member (Humble)

Lawyers' Assistance Program

Chris Porter-Advisory Member (Houston)

Legal Services to the Poor in Civil Matters

Kristina Ross-Advisory Member (Tyler)

Legal Services to the Poor in Criminal Matters

Matt Manning-Advisory Member (Corpus Christi)

Local Bar Services

Sade Pfeifer-Advisory Member (Austin)

Minimum Continuing Legal Education

Frank Osborne Carroll-Advisory Member (Houston)

Pattern Jury Charges-Criminal

Margaret Emily Johnson-Liu – Vice Chair (McKinney)

Professionalism

Ann Howey-Advisory Member (Lubbock)

Public Affairs

Reina Cisneros-Advisory Member (Big Spring)

Texas Bar Journal Board of Editors

Baili Rhodes - TYLA Repr. (College Station)

Victor Flores-Advisory Member (McAllen)

Texas Disciplinary Rules of Professional Conduct

Scott McClain-Vice Chair (McAllen)

Jaime Vasquez-Advisory Member (San Antonio)

Women in the Profession

Britney Dieng-Advisory Member (Dallas)

Members Serving on Multiple Committees:

John Alex Huddleston, San Antonio, CLE and PJC Malpractice, Premise and Products

Al Harrison, Houston, Advertising Review and MCLE

D. Appointments to the **2016 Annual Meeting Resolutions Committee:**

Officers:

Chair: SBOT Immediate Past Chair of the Board Roger Key (Lubbock)

Vice-Chair: TYLA Chair Priscilla Camacho (San Antonio)

Secretary: Local Bar Leaders Committee Chair Janna Clarke (Fort Worth)

Parliamentarian: David Chamberlain (Austin)

Review Committee:

Roger Key (Lubbock)

Susan Nelson (Waco)

Gary Nickelson (Fort Worth)

- E. Appointments by the **2015-16 Committee to Select ABA Delegates** (*Chair Trey Apffel*) of SBOT delegates to the American Bar Association House of Delegates, for a two-year term expiring at the adjournment of the 2018 ABA Annual Meeting:

Allan K. DuBois (San Antonio)
Tom Vick (Weatherford)
Michele Wong Krause (Dallas)
Thomas A. Forbes (Austin)

- F. **Trey Apffel (League City)** to serve as an officer for a three-year term expiring at the conclusion of the 2019 Western States Bar Conference

- G. The recipient of the Nancy Garms Award:

David G. Halpern (Austin)

- H. The recipient of the Hon. Leon Jaworski Award for Teaching Excellence:

Dr. Michelle Bauml (Fort Worth)

II. REPORTS

A. Report from the Chair of the Board: Chair of the Board David Chamberlain expressed appreciation for the communication efforts of the Board, and recognized several Board members for giving multiple district presentations this year. Chair Chamberlain reported on initiatives related to aging lawyers and succession planning, including a TexasBarCLE course held on December 4th titled *Essentials of Winding Down A Law Practice*, and the creation of a sample designation of attorney custodian form which would allow an attorney to designate an attorney successor to take over a practice if needed. **[Exhibit A]**¹ A new website has been launched at texasbar.com/succession that consolidates information and provides new resources on succession planning, closing a practice, and other aging lawyer issues. Chair Chamberlain presented Susan Nelson with the Outstanding Third Year Director Award.

B. Report from the President: President Allan DuBois reported that since April, he has attended Law Day and New Lawyers Induction in Austin, the San Antonio Young Lawyers Association Luncheon, a TYLA *Breaking the Silence* panel in San Antonio with Sara Giddings, and the Lawyers Concerned for Lawyers Convention. He reported that the State Bar's disaster hotline was ready to connect people to local legal aid providers recently when flooding and other severe weather impacted multiple areas of our state. President DuBois reported that \$506,000 has been raised for the Sheeran-Crowley Trust, and he is grateful for the generosity of several affiliated entities that contributed. President DuBois honored Erica Grigg and Darren Bertin with presidential citations for their inspirational contributions to the TLAP video initiative.

1) **Closed Session**: At 2:08 p.m., Chair Chamberlain 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 2:19 p.m., Chair Chamberlain announced that only matters relating to the evaluation, duties and compensation of the Executive Director were discussed. No action was taken in closed session.

In open session, on behalf of the Evaluation Subcommittee, President Allan DuBois moved for approval of the recommendation discussed in closed session of a 4% salary increase to \$289,380 annually for Executive Director Michelle Hunter; John Jansonius seconded. Motion carried.

C. Report from the President-elect: President-elect Frank Stevenson reported that plans are moving forward with the creation of the Texas Opportunity & Justice Incubator (TOJI) to train new lawyers and expand access to justice for low- and moderate-income Texans. A commitment of \$200,000 is included in the State Bar budget for 2016-17. As part of the Annual Meeting, the State Bar will host an incubator roundtable with stakeholders to discuss the initiative and ways to collaborate. One of the recommended State Bar Rules updates approved at the April Board meeting was a new requirement that all Texas attorneys provide an electronic service email address to serve as their official email address in the statewide e-filing system. The Court has promulgated that requirement and the State Bar will begin collecting email addresses on July 1, with a compliance date of October 1. President-elect Stevenson reminded the Board of the Bar Leaders Conference scheduled for July 15-16 in Houston.

President-elect Stevenson reported that the State Bar's budget was presented to the Supreme Court on May 23, and the Court signed the order approving the budget on June 7.

President-elect Stevenson noted that that ABA Standing Committee on the Delivery of Legal Services, along with several other ABA committees, has proposed a resolution that "urges courts and other governmental entities, bar associations, non-profit organizations and entrepreneurial entities that make forms for legal services available to individuals through the Internet to provide clear, conspicuous direction on how people can access a lawyer or a lawyer referral service to provide assistance with their legal matters." President-elect Stevenson believes the Board should support this resolution because it urges that, when self-help forms are published, they include information on how to find a lawyer, similar to the warning at the top of the Supreme Court's self-help divorce forms.

Comments were made in favor of supporting the resolution, and one Board member was opposed, stating that the SBOT should let the ABA delegates make their own decision and vote on it at the ABA meeting before the State Bar Board takes a position on it.

President-elect Frank Stevenson moved that the State Bar of Texas formally support the proposed ABA resolution from the ABA Standing Committee on the Delivery of Legal Services; Frank Carroll seconded. Motion carried with one nay vote. [Exhibit B]

D. Report from the Immediate Past President: Immediate Past President Trey Apffel thanked President Allan DuBois for his leadership. He also recognized his wife Karen for her support during his term, and thanked the Board and the State Bar staff.

E. Nominations & Elections Subcommittee: Immediate Past Chair Roger Key reported that this year was a small city year for the President-elect election, and Tom Vick of Weatherford was elected President-elect after defeating candidate Michael Smith of Marshall. 18,450 people voted, which is a return rate of 18.69%. Of the people who voted, 61% voted online and 39% voted via paper ballot. Key reported that there are 10 new district directors that were elected by the membership, and he asked the Board to welcome the new directors. **[Exhibit C]**

F. Commission for Lawyer Discipline/Chief Disciplinary Counsel Update: John Neal gave a summary of the year and reported on complaints resolved, attorney's fees collected, ethics helpline calls, and sanctions issued. **[Exhibit D]**

G. Texas Young Lawyers Association: TYLA President Barrett Thomas reported that TYLA completed 22 public service projects this year, hosted diversity dinners, and focused on seeking unity amongst everyone. He also thanked the officers and urged the Board to use their resources to change the world for the better.

H. Audit and Finance Committee: Brent Benoit reported that as of April 30, the general fund actual net revenues over expenditures and transfers totaled approximately \$2.4 million. At the end of April, the general fund had a positive budget to actual net variance of approximately \$1.6 million, which represents a 187% positive variance. Benoit noted that the month of May can be the State Bar's largest expenditure month, due to year-end adjustments and the fact that the State Bar's accounts payable department processes end-of-year vendor payments in June

every year. The financial audit will be conducted by Padgett, Stratemann & Co., LLP and fieldwork is scheduled from August 1 through August 31. The internal audit will be conducted by Maxwell Locke & Ritter and is scheduled from September 12 to October 7. **[Exhibit E]**

I. Client Security Fund Subcommittee: Gail Plummer thanked the members of the Client Security Fund subcommittee, and reported that the subcommittee paid out \$797,014 this year, with a remaining balance of \$2,600,352. On June 1 the fund was replenished, with a starting balance of \$3,195,121.

J. Member Services and Education Committee: Diane DeVasto reported that orientation for new directors was completed that morning, and thanked the subcommittee and staff for their work on it. Susan Nelson noted that TexasBarCLE is over budget by 20% this year and thanked the staff for that. The Texas Family Law Practice Manual has just been published. Curry Cooksey reported that major medical enrollments in the Texas Bar Private Insurance Exchange have increased by 40%, and the total number of individuals enrolled in one or more insurance products has increased by 21%. An online group quoting platform has been launched which allows employers to obtain group quotes online. Andrew Tolchin reported that the MCLE management system project is in its final phases, with acceptance testing to be completed in July. The State Bar is finishing up its response to a security incident involving an outside vendor for the State Bar, in which 2015 W-2 forms for certain current and former State Bar employees were compromised.

K. Public Services and Education Committee: John Jansonius noted that the 2016-17 year will have a legislative session and the Legislative Policy subcommittee will meet in August.

L. Section Representatives to the Board Committee: Alison Colvin reported that the Sections have been busy this year and taking an active role in making sure their bylaws are up-to-date and compliant.

M. Supreme Court Liaison: Justice Phil Johnson reported on various Court items such as the budget, the process for rules changes, hardship waivers, and the Sunset Advisory Commission.

N. Court of Criminal Appeals Liaison: Judge Michael Keasler reported the Court does not hold conference in July and August in order to complete administrative work. Judge Keasler thanked the Board for the privilege to serve as a liaison.

O. Federal Judicial Liaison: Judge Fred Biery noted that it has been a pleasure serving two terms as a liaison to the Board. He welcomed incoming liaisons Judge Barbara Hervey and Judge Nelva Gonzales Ramos.

P. Executive Director: Michelle Hunter made remarks about Karen Johnson, past Executive Director of the State Bar from 1990-94, who passed away a week ago. She presented Scott Hicks from the IT department with the Employee of the Quarter award.

There being no further business, the meeting was adjourned at 3:41 p.m. **[Exhibit F and G]**²

¹ Exhibits A through G are available at www.texasbar.com/bodcentral under Meeting Agendas and Minutes.

² Exhibits F and G are the State Bar Committee and Section End of Year Reports and are for information only.