

**OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
Westin Austin at The Domain
11301 Domain Dr.
Austin, Texas 78758
Friday, April 21, 2017**

The Board of Directors of the State Bar of Texas met in a regular session on April 21, 2017 at the Westin Austin at The Domain in Austin, Texas. Chair Joe Escobedo, Jr., called the meeting to order at 9:00am, and Executive Director Michelle Hunter called the roll. A quorum of voting Board members was present. Mary Abbott Martin led the invocation. Estrella Escobar led the pledges to the U.S. and Texas flags.

Present:

Board Members: Rehan Alimohammad, Immediate Past President Allan DuBois, Christy Amuny, Barbara Bass, Micah Belden, Amy Bryan, Jeff Chandler, Immediate Past Chair of the Board David Chamberlain*, Estrella Escobar, Chair of the Board Joe Escobedo, Jr., Sylvia Firth, Laura Gibson, Ricky Gonzalez, Ann Greenberg, August Harris, III, Rice Horkey, TYLA President Sam Houston, Joe Indelicato, Jr., John Jansonius, Sarah Clower Keathley, Mary Abbott Martin, Rudolph Metayer, Brian Miller, Gary L. Nickelson, Christopher Oddo, Curtis Pritchard, TYLA President-elect Baili B. Rhodes, Lisa S. Richardson, Ruben S. Robles, Fidel Rodriguez, Jr., Scott Rothenberg, Gregory W. Sampson, Lance D. Sharp, Scott Sherwood, Rebecca Simmons, Scott P. Stolley, President Frank Stevenson, TYLA Immediate Past President C. Barrett Thomas, Andrew Tolchin, Travis Torrence, Bradley C. Weber, Michael J. Wynne, President-elect Tom Vick

Liaisons*: Judge Barbara Hervey, Justice Phil Johnson, Tim W. Mountz, Judge Nelva Gonzalez Ramos, Judge Kerry L. Russell

Section Representatives*: Wendy S. Burgower, Philip Mack Furlow, Patrick J. Maher,

Excused Absences: *Erich Birch*, Alan Carmichael, Leon Carter, Tina R. Green*, Angelica Hernandez, Audrey F. Moorehead*

(* = nonvoting)

I. CONSENT AGENDA ITEMS:

Upon motion properly made by Barbara Bass and seconded by Lance Sharp, the following items from the Consent Agenda were approved:

A. The minutes of the January 20, 2017, Board meeting, as amended.

B. Ratification of actions taken at the following Executive Committee meetings:

1) **March 9, 2017:** Approved minutes of the January 10, 2017, Executive Committee meeting.

C. Appointments to the following entities:

1) **2017-2018 Special Committee to Nominate ABA Delegates:**

Allan DuBois, Chair (San Antonio)

**Kim Askew (Dallas)
Rhonda Hunter (Dallas)**

**Jennifer Rymell (Fort Worth)
Elizabeth Lang Miers (Dallas)**

Janna Clarke (Fort Worth)
Lisa Tatum (San Antonio)

Michelle Wong Krause (Dallas)
Laura Sharp (Austin)

C1) Commission for Lawyer Discipline:

1) for one-year terms effective September 1, 2017, through August 31, 2018:

Chair: Pablo Almaguer (McAllen)
Vice Chair: Noelle Reed (Houston)

2) for three-year terms effective September 1, 2017, through August 31, 2020:

Noelle Reed (Houston)
Magali Suarez Candler (Houston)

C2) Law Focused Education, Inc., for two-year terms effective June 1, 2017,
through May 31, 2019:

Josh Caldwell (Edinburg)
Tom Sullivan (Brownsville)
Helen Pickle (Temple)

C3) Texas Center for Legal Ethics, for three-year terms effective June 1, 2017, through May 31, 2020:

Barbara Bass (Tyler)
Allan DuBois (San Antonio)
Buck Files (Tyler)

D. Approval of State Bar Committees, Chairs, Co-Chairs, Vice Chairs, Co--Vice Chairs, and members to serve during the year 2017-18 per State Bar Rules, Art. VIII, Section 1B [**TAB A**]¹

E. ITEMS FROM COMMITTEES AND SECTIONS/DIVISIONS:

- a. Approval of request by the Administrative Law Section to amend its bylaws
- b. Approval of request by the Military and Veterans Law Section to increase dues to \$25 [**TAB B**]

F. OTHER ITEMS

- a. Approval of recipients for the pro bono and indigent defense awards to be presented at the Annual Meeting: [**TAB C**]
 - 1) Pro Bono Award: **Grayson County Clinic Volunteers and Host Organization (Sherman)**
 - 2) Frank J. Scurlock Award: **Marilyn D. McGuire (Houston)**

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

- 3) The J. Chrys Dougherty Legal Services Award: **Merrit Klapperich, Legal Aid of Northwest Texas (Fort Worth)**
- 4) W. Frank Newton Award: **Jones Day (Dallas)**
- 5) Pro Bono Coordinator Award: **Michelle Alden, Dallas Volunteer Attorney Program (Dallas)**
- 6) Judge Merrill Hartman Pro Bono Judge Award: **Judge Ann Zaragoza, TexasRioGrande Legal Aid (San Antonio)**
- 7) Warren Burnett Award: **Innocence Project of Texas**
- 8) Michael K. Moore Award for Excellence in Research or Writing in the Area of Indigent Criminal Defense: **Patrick Metz**

b. Approval of recipient of the Nancy Garms Award: **[TAB D]**

Stephen W. Gwinn (Dallas)

c. Approval of recipient of the Hon. Leon Jaworski Award for Teaching Excellence: **[TAB E]**

Mark Felts (Denton)

d. Approval of resolutions honoring: **[TAB F]**

- 1) **Hon. Joel B. Bennett (Austin)**
- 2) **Trisha Graham (Fort Worth)**
- 3) **Patrick A. Nester (Austin)**

II. REPORTS:

A. Report from the Chair of the Board:

Chair Joe Escobedo, Jr., reported that many of the directors have been keeping bar members informed through local presentations in the various districts throughout the State. Chair Escobedo encouraged all directors to give presentations in all districts they represent.

Chair Escobedo gave an update on the Directors' Report emails that were distributed in February, which highlighted the latest news on State Bar and TYLA elections, Annual Meeting, Sunset Review, and member benefits and services.

John Jansonius gave remarks remembering Valorie Glass, of McAllen, who recently passed away. A moment of silence was observed.

On behalf of the Ad Hoc Submission Committee, Chair Escobedo gave a report on the January 20 request from the Intellectual Property Law Section to file an amicus brief in the case of *In Re Silver*. Because the section sought to file an amicus by March 1, before the next EC or board meeting, the request was considered on an expedited basis by the Ad Hoc Submission Committee, which includes the chair, president, president-elect, executive director, and chair of the Legislative Policy Subcommittee. As required by the policy manual, the request was circulated to the full board for comment. After considering comments from the board and from other State Bar sections, the Ad Hoc Committee decided not to approve the request. The Executive Committee ratified this decision on March 9. **[TAB 1]²**

² Tabs 1 through 11 are available at www.texasbar.com/bodcentral under Meeting Agendas and Minutes.

Chair Escobedo moved that the Board approve the Ad Hoc Submission Committee’s decision not to approve the IP Section’s request. The motion passed, no discussion.

Chair Escobedo announced that voting for the 2017-2018 Chair of the Board of Directors would begin and Escobedo explained the balloting process to the directors, which would be done via written ballot. Chair Escobedo announced the names of the candidates, Rehan Alimohammad (Sugar Land), Ann Greenberg (Austin), Gary Nickelson (Fort Worth), and Andrew Tolchin (Angleton). [TAB 2]

After three rounds of voting, Chair Escobedo announced that Rehan Alimohammad was elected as the 2017-18 Chair of the Board. Mr. Alimohammad made remarks.

B. Report from the President:

President Frank Stevenson gave an update on his recent travels and activities since the January board meeting, which included: State of the Judiciary Address (Austin), ABA Mid-year Meeting (Miami), Ector County Bar Association (Odessa), Midland County Bar Association (Midland), Philosophical Society of Texas Annual Meeting (Waco), William “Mac” Taylor Inns of Court (Dallas), Annual Construction Law Conf. (San Antonio), Consortium for Access to Justice Conf., TAMU Law (Fort Worth), ABA Bar Leaders Institute Panelist, Role of a Bar Leader as a Civic Leader Workshop (Chicago), Trans Pecos Bar Association CLE (Alpine), Reception for Region’s Lawyers (Fort Davis), OU College of Law Presentation (Norman), Amarillo Area Bar Association Luncheon.

President Stevenson reported that the latest free CLE for solo and small firm practitioners took place on April 5th in Fredericksburg. Allan DuBois, David Chamberlain, Christy Amuny, Erich Birch, and Cindy Tisdale spoke.

President Stevenson gave an update on the upcoming State Bar Annual Meeting, June 22-23 at the Hilton Anatole in Dallas. Chief Judge Carl Stewart of the U.S. Court of Appeals for the Fifth Circuit, Joseph Jaworski, and Professor and writer Bryan Garner, editor-in-chief of Black’s Law Dictionary, will speak.

President Stevenson reported that the May issue of the *Texas Bar Journal* will include his last column as president.

President Stevenson reported that State Bar staff is tabulating the results of the latest *Texas Bar Journal* readership survey, the first since 2014. Based on a representative sample of Texas lawyers: 60% are frequent TBJ readers, and 51% have read or looked through each of the last four issues; 82% agree that the *Bar Journal* is credible/reliable; and 73% agree that the *Bar Journal* is well-written.

President Stevenson gave an update on the launch of the Texas Opportunity and Justice Incubator (“TOJI”). Ten (10) incubator lawyers joined the inaugural cohort and started a three-week boot camp on April 3. During that time, incubator lawyers received just over 40 hours of classroom instruction covering everything from how to set up a business, to how to identify and market to your ideal client, to how to map out your intake and engagement processes to optimize efficiencies. The incubator lawyers intend to provide services in the areas of: consumer protection, contracts, criminal defense, elder law, estate planning and probate, family law, guardianship, immigration, and real estate. [TAB3]

President Stevenson announced resolutions honoring Hon. Joel B. Bennett of Austin, Trisha Graham of Fort Worth, and Patrick Nester of Austin.

C. Sunset Review Update:

Trey Apffel reported that the State Bar Sunset bills, SB 302 by Senator Kirk Watson and HB 2102 by Representative Senfronia Thompson, were working their way through the legislative process. The recommendations included retaining the referendum for rules, improving and streamlining the rulemaking process, and improving the disciplinary system.

Mr. Apffel reported that SB 302 was passed out of the Senate on Tuesday, April 4. It was substituted in committee to make revisions. It was also amended on the Senate floor to provide that the State Bar Board of Directors may increase the membership fee for state bar members without distributing it for a vote only if the fee increase is not more than 10% of the previous fee amount and if it has been six years or more since the previous increase. Otherwise, a dues increase would still require a referendum. SB 302 was sent to the House of Representatives and referred to the House Judiciary and Civil Jurisprudence Committee, where HB 2102 was heard and left pending on March 21. The House committee can now act on/vote on the Senate bill.

Immediate Past Chair of the Board David Chamberlain provided comment regarding the proposal to fingerprint all Texas attorneys. Mr. Chamberlain clarified that the fingerprinting proposal did not come from the State Bar, but from the Sunset Commission.

D. Report from the President-elect:

President-elect Tom Vick reported that Michelle Hunter has announced her retirement as executive director of the State Bar. Mr. Vick appointed an Executive Director Search Committee to facilitate the process of finding a new executive director for the State Bar [TAB 4]. The members of the committee are made up mostly of members of the State Bar board of directors, and several members who are not currently on the board. The chair of the committee is former State Bar President Bob Black of Beaumont. The goal of the committee is to make a recommendation at the September meeting for the board's consideration.

A motion was made by Gary Nickelson and seconded by August Harris, III to approve appointment of a State Bar Executive Director Search Committee for the purpose of recommending qualified candidates for State Bar executive director for consideration and selection by the Board pursuant to section 81.029 of the State Bar Act. The motion carried, no discussion.

President-elect Vick sought a motion to allow that the Executive Director Search Committee be delegated authority to undertake actions that it may need to perform its duties, such as among other things, developing a search process, a time frame for implementation, and approving a job description, so that the board may meet its September goal.

A motion was made by Gary Nickelson and seconded by John Jansonius to approve delegating to the State Bar Executive Director Search Committee the authority and power to take reasonable and necessary actions to accomplish its purpose. The motion carried, no discussion.

President-elect Vick gave a report on the Committee Review Taskforce. He reported that the State Bar Act requires the Bar to conduct a comprehensive review of the standing committees biennially to determine whether there is a continued need for each committee and whether there is unnecessary overlap of committee activities. The review of all standing committees was completed. Each of the committee chairs was met with and the activities of each committee over the past two years was reviewed. [TAB 6]

The Task Force recommended the elimination of the Crime Victims Committee. The Task Force recommended changes to the purpose clauses of the following five committees: Administration of Rules of Evidence; Child Abuse and Neglect; Disability Issues; Laws Related to Immigration and Nationality; and Legal Services to the Poor in Criminal Matters. Finally, the Task Force recommended amendments to the board policy in two ways: Not to reimburse the travel expenditures for out-of-state members; and additional language to help clarify how committee members may be removed.

On behalf of the Committee Review Task Force, President-elect Vick made a motion that the Board approve the recommendations of the Task Force as specified in its written report, to be effective June 1st in conjunction with the bar's Fiscal Year; no second needed. The motion carried, no discussion.

President-elect Vick gave a budget update. He reported that a public hearing on the State Bar's fiscal year 2017-2018 proposed budget was held on April 3rd at the Texas Law Center. No members of the public attended the meeting. Pending approval from this Board, a budget hearing before the Supreme Court has been scheduled for May 15th. [TAB 5]

On behalf of the Budget Committee, President-elect Vick moved for approval to present the State Bar's proposed fiscal year 2017-2018 budget to the Supreme Court of Texas; no second needed. Motion carried.

E. Report from the Immediate Past President:

Immediate Past President Allan DuBois gave a general report on his travels and activities since the January board meeting. Mr. DuBois recently received the St. Thomas More Award from St. Mary's University School of Law for his work in bringing attention to mental health and substance abuse issues that many attorneys face.

F. Nominations & Elections Subcommittee:

Immediate Past Chair David Chamberlain reported that Joe K. Longley has obtained enough signatures to be certified as a petition candidate for President-elect. He needed 5,015 signatures, and he was certified with 5,332 signatures. There is a three-way race for President-elect. Chad Baruch, Laura Sharp, and Joe K. Longley are all included on the ballot that went out on April 3. The election will conclude on May 2 at 5pm. If no candidate receives a majority of votes, then there will be a run-off election held between the two who received the highest number of votes. The run-off election will be conducted from May 11th to May 25th. Mr. Chamberlain reported that all of the candidates have been given permission to campaign outside the normal time period for campaigning, and that candidates will have additional campaign travel expenses this cycle. Mr. Chamberlain reported that the subcommittee may ask the board in June to increase reimbursement amounts for the candidates.

Mr. Chamberlain reported that there are 10 district directors of the board whose terms will be ending at Annual Meeting. Out of those 10 positions, five of them have contested races, and the remaining 5 board member positions are unopposed. In District 4 (Houston), there are three positions up for election. All three of them have contested races, and one of them, Place 4, has three candidates. If no one receives a majority in that race, there will also be a runoff election held with the two who receive the highest number of votes. The other contested races are in District 9 (Austin) and District 17 (El Paso). [TAB 7] The terms for the new President-elect and district directors will begin at Annual Meeting in June.

Immediate Past President Allan DuBois reminded the board members that in their official capacities, they are not to endorse any one candidate.

G. Policy Manual Subcommittee:

Travis Torrence had no report.

H. Commission for Lawyer Discipline/Chief Disciplinary Counsel Update:

John Neal reported on the grievance committee appointment process. Nominations are due by June 1. The Chief Disciplinary Counsel's Office will be issuing all certificates of good standing. Mr. Neal also made remarks on the third quarter sanctions breakdown and the grievance referral program. [TAB 8]

I. Texas Young Lawyers Association:

TYLA President Sam Houston provided an update on several TYLA projects including "the "Sexual Assault Survivor Rights Guide," "Transitioning in and out of Government Practice, "The Young Lawyers Guide to Working with Your Paralegal, Tips on Creating a Symbiotic Relationship," and "I was the First, You Can Be a Lawyer Too." Mr. Houston provided a report on the recent ABA Young Lawyers Summit in Albuquerque, New Mexico.

J. MCLE Committee:

On behalf of the MCLE Committee Nathan Anderson reported on proposed changes to the MCLE Rules and Regulations. Mr. Anderson reported the following proposed changes to the MCLE Rules and Regulations:

1. MCLE Regulations Sections 5.1-5.1.2 have been modified to be consistent with the MCLE Rules and to separate full-time and part time faculty course credits. Full-time faculty will automatically receive 12-hours of course credit per compliance year, and part-time faculty will be eligible to claim actual hours taught, not to exceed 12 hours.
2. MCLE Regulations, Section 5.7 has been modified to be consistent with Section 81.113 of the Texas Government Code, which allows course credit for attorneys employed by the Texas Legislature only. The reference to attorneys employed by the US Congress has been deleted, since these attorneys are not eligible for a course credit allowance.
3. MCLE Rules, Section 9 (A) and MCLE Regulations, Section 5.11.1 have been modified to allow the MCLE Department to review and determine extensions and exemptions, and to remove the restriction that requires a request for an exemption to be filed prior to the last day of the birth month.
4. MCLE Rules, Section 9 (A) and MCLE Regulations, Section 5.4.1 have been modified to allow automatic initiation of deferrals for completion of MCLE requirements.
5. MCLE Rules, Section 4 (G) has been modified to allow course credit to be applied in any compliance year the attorney is a member of the designated legislative bodies.
6. MCLE Regulations, Section 10.8.5, has been modified to exclude institutions of higher education from the exemption for payment of Sponsor Accreditation and Renewal fees. [TAB 9]

A motion was made by Joe Indelicato and seconded by Andrew Tolchin to approve the proposed changes to the MCLE Rules and Regulations. The motion carried, no discussion.

K. Administration Committee:

Pat Maher reported on the work of the Employment/Salary/Evaluation Subcommittee, reviewing affiliated entities in according with Board policy 1.17. The subcommittee focuses on one entity each year, and this year the subcommittee reviewed the Texas Bar Foundation. The subcommittee reviewed a draft report along with audited financial statements, the independent auditor's report, and the annual report. The subcommittee recommends the Texas Center for Legal Ethics continue as is with no changes.

L. Audit and Finance Committee:

Barbara Bass reported that the February financials show that the State Bar is doing well nine months into the current fiscal year. As of February 28th, the General Fund actual net revenues over expenditures and transfers totaled approximately \$2.1 million. At the end of February, the General Fund had a positive budget to actual net variance of approximately \$1.3 Million. This represents a 148% positive variance of actual to budget. The State Bar's General Fund portfolio is fully invested in: (1) US Treasuries; (2) Federal Agency securities, (3) high quality commercial paper; (4) FDIC insured certificates of deposit, and (5) AAA-rated money market mutual funds. Overall, the portfolio is highly liquid and maintains high credit quality. The portfolio generated a quarterly return of 0.22% which outperformed the benchmark 6-month Merrill Lynch Treasury Index return of 0.18%. PFM representatives continue to work very closely with the Bar's CFO to place investments in those areas that will produce the highest yields while maintaining safety of principal and liquidity as required by the Public Funds Investment Act. [TAB 10]

On behalf of the Audit and Finance Committee, Ms. Bass moved for acceptance of the State Bar quarterly investment report for the quarter ending February 28, 2017; no second needed. Motion carried.

Ms. Bass further reported that PFM Asset Management LLC has been the State Bar's Investment Manager since June 1, 2006. PFM's current two-year contract ends May 31, 2017. The Audit & Finance Committee recommended a one-year extension of PFM's current investment management contract thru May 31, 2018.

On behalf of the Audit and Finance Committee, Ms. Bass moved to approve a one-year extension of the PFM Asset Management Contract; no second needed. Motion carried.

M. Discipline and Client Attorney Assistance Program Subcommittee:

Greg Sampson reported the DCAAP Committee met to consider a proposal to adopt a rule that addresses potential conflicts of interest that arise from a lawyer's provision of pro bono legal services, the Rules Committee submitted proposed changes to the commentary of the Disciplinary Rules, and the Rules Committee is working on new comments to previously passed rules changes involving sale of law practice and document retention.

N. Client Security Fund Subcommittee:

Rice Horkey reported that the Client Security Fund Subcommittee met the day before the board meeting and reviewed 48 claims, for a total of \$177,290.35. 14 claims were denied. To date this year, the fund has paid out \$977,290.35.

O. Member Services and Education Committee:

Joe Indelicato, Jr. reported that the Professional Development Subcommittee met jointly with the CLE Committee on March 8 to discuss new topics for webcasts and other events and hear staff reports. The CLE Committee established the Pat Nester Innovation in CLE Award. This award recognizes an individual whose innovative contributions have substantially advanced continuing legal education in Texas. TexasBarCLE is partnering with a group called Cuba Cultural Travel to offer a five-day trip to Havana, Cuba in November.

TexasBarCLE has awarded 358 scholarships for live and video courses and 129 for online classes this fiscal year. As of June 1, 2016, attorneys 70 years and older must complete a minimum of 15 hours of accredited CLE during each MCLE compliance year.

Mr. Indelicato addressed a letter was sent this month from Alan Schoolcraft of TXdocs about a State Bar license to Thomson Reuters/West for document assembly products. The State Bar has been in touch with Mr. Schoolcraft and indicated that when the Bar's contract with Thomson Reuters is up for renewal, he will have an opportunity to also submit a proposal. Mr. Schoolcraft has indicated he is amenable to that approach.

P. Insurance/Member Benefits Subcommittee

John Jansonius reported on the Texas Bar Private Insurance Exchange. Mr. Jansonius reported that total major medical enrollments in the PIE have grown by 27 percent since June; Individual product enrollments have tripled (7,383 to 22,386); employer group product enrollments have increased seven-fold (302 to 2,177). The administrator of the PIE, Member Benefits, Inc., is working on an Association Health Plan which will serve as a safeguard to marketplace disruptions and open up access to networks that many may have lost. Member Benefits will offer this plan to all members regardless of firm size, at attractive rates. The pre-sale of this plan is anticipated to begin in the coming months.

Mr. Jansonius reported that the subcommittee voted to provide Teledoc (telephone consultations with physicians) to all PIE participants. In order to measure satisfaction with the PIE, the State Bar will conduct a customer satisfaction survey from April 27 through May 11. Costco, LexHelper (virtual receptionist), SoFi (student loan refinancing), and Member Benefits Discount Hotels were added. The State Bar's contract with USI as a preferred provider of professional liability insurance will expire on December 31. As of March 31, the member benefit program collected \$557,514 in non-dues revenue.

Q. Technology Oversight Subcommittee:

Rebecca Simmons had no report.

R. Affordable Legal Services Subcommittee:

Sylvia Firth reported that The State Bar Legal Services to the Poor in Criminal Matters Standing Committee has proposed Performance Guidelines for Juvenile Representation. The Guidelines are intended to set forth best practices for attorneys who represent juveniles in delinquency proceedings to enable them to deliver a high standard of representation to. The Guidelines address best practices concerning:

- General obligations of counsel representing juveniles;
- Pretrial practices;
- Adjudication practices;
- Disposition matters; and
- Post adjudication practices. [TAB 11]

On behalf of the Affordable Legal Services Subcommittee, Ms. Firth moved to approve the Performance Guidelines for Juvenile Representation; no second needed. Motion carried.

S. Legislative Policy Subcommittee:

Gary Nickelson reported that The Ad Hoc Emergency Legislative Response Committee voted to approve requests from 2 sections on the following proposals:

- 1) Appellate Section Resolution in Support of a Uniform Statewide Court Case Records Access System.
- 2) Litigation Section Resolution in Support of a Uniform Statewide Court Case Records Access System.
- 3) Litigation Section Request to Oppose HB 2594.

Mr. Nickelson reported that the Committee also approved the inclusion of HB 2102, HB 3199, SB 302, and SB 416 in the State Bar's Legislative Package. [Exhibit 1]³

³ Exhibit 1 is available at www.texasbar.com/bodcentral under Meeting Agendas and Minutes.

On behalf of the Legislative Policy Subcommittee, Mr. Nickelson moved to ratify the action of the Ad Hoc Emergency Legislative Response; no second needed. Motion carried.

T. Section Representatives to the Board Committee:

Pat Maher reported that the Sections had their Council of Chairs meeting in February, and Tom Vick, Chad Baruch, and Laura Sharp spoke. Gene Shelby and Elizabeth Copeland were elected as new Sections Representatives to the Board, and will join in June.

U. Report from the Texas Bar Foundation:

Buck Files gave a general report on the Texas Bar Foundation, including an overview of the various entities the Foundation has provided funding to over the past years. Mr. Files anticipates the Foundation will approve over 1 million dollars in grants this upcoming year.

V. Supreme Court Liaison:

Justice Phil Johnson reported that the Court has been looking at three current issues: 1) The Sunset process, the Court is accessible to the Legislature and is communicating with them. 2) Access to justice and concern over congressional appropriations for the Legal Services Corporation. Appropriations have been significantly cut. 3) Electronic access to court records. Justice Johnson urged support for electronic access to records.

W. Court of Criminal Appeals Liaison:

Judge Barbara Hervey reported that two installations of new judges have joined the Court and they are getting up to speed. There are several bills pending before the Legislature that will impact the Court. Judge Hervey reported that the Grant 540 is facing a reduction in funds for education. Judge Hervey reported that the Court will continue to hold writ writing workshops/training to further educate lawyers on the process.

X. Federal Judicial Liaison:

Judge Nelva Gonzales Ramos gave an update on the current federal judicial judge vacancies in Texas. Candidates for the two open spots for the 5th Circuit have been interviewed and submitted to the White House. Vacancies still remain in Corpus Christi, Brownsville, Tyler, Plano, Midland, Waco, Amarillo, and Lubbock. A committee is working to fill those spots. Judge Ramos reported on changes to federal immigration policy as it pertains to the courts. Increases in prosecutions are expected.

Y. Judicial Section Liaison:

Judge Kerry Russell reported on various legislative updates including HB 1938 and HB 3971. Judge Russell gave a general report on the status of pay raises for judges. Judge Russell reported that the web site is to be redesigned and upgraded.

Z. Out-of-State Lawyer Liaison:

Tim Mountz reported that a message was sent out to all out of state lawyers encouraging them to vote in the election.

AA. Executive Director:

Michelle Hunter presented Adelita Morales, Customer Service, with the Employee of the Quarter Award. Michelle announced that Chielsey Barber would be taking over as the Executive Assistant to the Board on May 1, 2017.

Closed Session: At 11:53 a.m., the State Bar Board of Directors recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Sections 551.071 and 551.074 for the purpose of consultation with legal counsel concerning pending litigation (Gegenheimer v. Stevenson et al., Longley v. State Bar of Texas et al.). With the exception of Board liaisons and Section representatives, all other individuals including non-essential staff and other guests excused themselves from the closed session.

Open Session: At 12:01 p.m., the open session of the State Bar Board of Directors meeting reconvened. During the closed session, only matters relating to consultations with legal counsel concerning contemplated litigation were discussed. No action was taken in closed session.

There being no further business, the meeting was adjourned at 12:02 p.m.