

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
EXECUTIVE COMMITTEE MEETING  
Texas Law Center  
Austin, TX  
Thursday, March 10, 2016**

The Executive Committee met on March 10, 2016 in Austin at the Texas Law Center. President Allan DuBois called the meeting to order at 10:30am, and Executive Director Michelle Hunter called the roll.

**Present:** Immediate Past President Trey Apffel, Brent Benoit, Frank Carroll, Chair of the Board David Chamberlain, Alison Colvin\*, President Allan K. DuBois, Joe Escobedo, TYLA President-elect Sam Houston, Andy Kerr, Immediate Past Chair of the Board Roger Key\*, Gail Plummer, Tino Ramirez\*, President-elect Frank Stevenson

**Participating via teleconference:** Diane DeVasto, Tina Green\*, Susan Nelson, Ford Sasser, Andrew Wallace

*\*Nonvoting member*

I. APPROVAL OF MINUTES

**Upon motion properly made by Andy Kerr and seconded by Frank Carroll, the minutes of the January 7, 2016 Executive Committee meeting were approved as presented.**

II. REPORTS

A. Report from the President: President Allan DuBois reported on the ABA midyear meeting in San Diego, and called on President-elect Frank Stevenson to discuss the resolution by the ABA's Commission on the Future of Legal Services. Stevenson noted that at the January Board meeting, a State Bar resolution was adopted expressing reservations about the concept of "non-traditional legal service providers" as included in Resolution 105 by the ABA Commission. The State Bar Board resolution said it would be premature for Texas lawyers to support the ABA resolution before the Texas Commission to Expand Civil Legal Services issued its final report. The ABA House of Delegates voted on February 8<sup>th</sup> to adopt an amended Resolution 105, which urges each state's highest court to use model regulatory objectives "when they assess the court's existing regulatory framework and any other regulations they may choose to develop concerning non-traditional legal service providers." Stevenson reported that the next step has not been clearly defined yet, but the Texas Commission's reaction was positive and they will work through the next process together with the State Bar.

President DuBois reported on the Annual Meeting, to be held June 16-17<sup>th</sup> at the Fort Worth Omni and Convention Center. Three keynote speakers at the Annual Meeting are authors Michael Morton and S.C. Gwynne, along with Ken Reeves, a former NFL player and the chief human resources officer for YMCA in Fort Worth. The Council of Chairs meeting was held on February 26<sup>th</sup> and President DuBois gave a presentation along with Austin attorney Erica Grigg. The Denton County Bar Association recently donated \$1,000 to the Sheeran-Crowley Trust, which brings the total amount fundraised for the Trust to more than \$433,000.

B. Report from the Chair of the Board: Chair of the Board David Chamberlain reported that the directors' district emails were sent out in February. An email was also distributed encouraging directors to schedule their local directors' reports before the April Board meeting. An updated version of the standard PowerPoint was also distributed at the January Board meeting. Chamberlain discussed the upcoming 2016 Texas Attorney Survey, which will begin on March 21<sup>st</sup>. The survey is conducted every other year to provide our members with information about the economics of the practice of law. Results of the survey will include detailed breakdowns of income, hourly rates, pro bono services, law school and career satisfaction, State Bar Member Services and insight into how legal education affects an attorney's career. The deadline to complete the survey is April 4<sup>th</sup>.

C. Report from the President-elect: President-elect Stevenson reported that he, Michelle Hunter and Paul Rogers visited the ABA Standing Delivery Committee and Justice Entrepreneur Project (JEP) in Chicago on February 24<sup>th</sup>. They were able to meet with a number of people and gather information in order to continue to research the feasibility of the State Bar developing an incubator similar to the JEP model. The JEP's goal is to expand legal services and access to justice to low- and moderate-income people, and help newer lawyers start their own practice. Stevenson believes that a legal incubator in Texas modeled on the JEP could provide an opportunity to address justice gap challenges and may have the best chance of long-term sustainability and funding. The ABA has seen the number of incubators increase rapidly across the country in recent years and is in the process of collecting data through a survey on incubator performance. In the meantime, the State Bar will continue to evaluate incubator models and structures to determine which would best serve the needs of Texas.

President-elect Stevenson reported that the public hearing on the State Bar's FY 2016-17 proposed budget will be held on April 5<sup>th</sup>. The proposed budget has not changed since its presentation during the January Board meeting. Pending Board approval, a meeting to present the proposed budget to the Supreme Court of Texas will be held in early May.

**On behalf of the Budget Committee, President-elect Stevenson moved for approval of the SBOT FY 2016-17 proposed budget for presentation to the Supreme Court of Texas; no second needed. Motion carried.**

D. Administration Committee: Andy Kerr reported that State Bar staff is working with the Supreme Court clerk and rules attorney on proposed updates to the State Bar Rules regarding the following; guidelines for dues hardship waivers, a process for one-time expunctions of administrative suspensions, a process for voluntary resignations from the practice of law, and a requirement that State Bar members provide an email address for use in the statewide e-filing system and for court communications. The final drafts of these proposals will be circulated to the Administration Committee and should be ready for Board consideration at the April Board meeting. Staff and the rules attorney are also finalizing new rules for hearings in student loan defaults, where an attorney is contesting the fact that a student loan is in default. Currently these matters are referred to a special master in district court, but under the new rules they would go before the Appeals-Grants Review Subcommittee. Kerr also reported that affiliated entities are reviewed in accordance with Board policy, and the Employment/Salary/Evaluation Subcommittee focuses on one entity to review each year. The subcommittee is reviewing the Texas Bar Foundation this year and plans to recommend any actions at the April Board meeting.

Diane DeVasto reported that the Texas Bar Journal staff researched best practices for advertising and reviewed guidelines from numerous bars around the country to come up with revised guidelines for TBJ. No major changes are being proposed in the language. Primarily, this policy would codify the existing practices so that they are clear to potential advertisers. This policy will govern all TBJ advertising, including classified advertising, in print, digital and online editions. There was discussion on circulating it to Sections and regarding constitutional provisions, and it was agreed that the policies would be referred back to the Texas Bar Journal Board of Editors for further review on meeting those provisions.

E. Audit & Finance Committee: Brent Benoit reported that the amount of General Fund net revenues over expenditures budgeted for this point in the fiscal year was approximately \$808,000, and the actual net amount was \$1.9 million. The result was a positive net variance for the 8 months ending January 31<sup>st</sup> of approximately \$1.1 million, or 134%. Included within the overall positive variance of \$1.1 million is a positive net variance for TexasBarCLE of approximately \$523,000.

F. Nominations & Elections Subcommittee: Immediate Past President Trey Apffel reported that the candidates for President-elect are out on the campaign trail through the month of March. They have been running great campaigns and are serving as valuable ambassadors for the State Bar. The election begins on April 1<sup>st</sup> and will end on May 2<sup>nd</sup>. Immediate Past Chair Roger Key reported that there are 10 members of the Board whose terms are ending at Annual Meeting. Out of these 10 positions, three of them have contested races, and the remaining seven Board member positions are unopposed. For District 7 this year, no one submitted a petition by the March 1<sup>st</sup>

deadline, so President DuBois appointed Curtis Pritchard from Cleburne to sit for that position, and he is listed on the ballot unopposed.

Joe Escobedo, chair of the Ad Hoc Committee to Select Minority Directors, reported that this year, the term for two minority director positions on the Board will expire in June at the Annual Meeting. The committee received 15 nominations for the two positions, and conducted interviews of the candidates in February. Six nominees were interviewed, and the committee submitted four candidates to President DuBois for consideration. President DuBois will interview the four candidates and will select two of them to be presented for approval at the April Board meeting.

G. Member Services and Education Committee: Susan Nelson reported that the Professional Development Subcommittee met jointly with the CLE Committee on February 26<sup>th</sup> to hear staff reports on current operations and finances, and proposed several dozen topics for upcoming programs. There was considerable discussion of preparing for training for CLE speakers and staff has begun preparing a training video. CLE scholarship awards are more than 60% higher this year than last year, and 540 scholarships have been given this year. Nelson also highlighted the work of the Insurance/Member Benefits Subcommittee, specifically the Texas Bar Private Insurance Exchange. The Exchange has exceeded its 2015-16 annual goals of 6,045 total major medical enrollments. There are currently 11,724 total individuals enrolled in one or more insurance products through the Exchange. This fiscal year, the Exchange increased by 15%. The subcommittee is finalizing an amendment to the PIE agreement for licensing of the State Bar's name, and a services agreement with the State Bar of Texas Insurance Trust and the Insurance Agency to compensate the Bar for administrative support services. The subcommittee is also working to update the member benefits website to increase member awareness of the program.

H. Section Representatives to the Board: Alison Colvin reported on the Asian Pacific Interest Section and several issues with their fund balance. The Section Representatives are working with the Section chair on ways to reduce costs for their annual retreat/CLE.

I. Texas Young Lawyers Association: TYLA President-elect Sam Houston reported that TYLA is closing in on projects for the year, such as "And Justice for All", "Breaking the Silence", a bicycle safety pamphlet, and a website for family law issues for military families. The election season is underway, and the two candidates for TYLA President-elect are Baili Rhodes from College Station and Alex Yarbrough from Amarillo.

J. Report from the Executive Director: Michelle Hunter asked KaLyn Laney to give an update on the Sunset Review Commission. Laney reported that the process has gone very well, and the State Bar's report is expected to be received by late April/early May.

There being no further business, the meeting was adjourned at 12:39 p.m.