

**OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Texas Law Center
Austin, TX
September 10, 2015**

The Executive Committee met on September 10, 2015 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, Chair of the Board David Chamberlain, Diane DeVasto, President Allan K. DuBois, Joe Escobedo, TYLA President-elect Sam Houston, Justice Phil Johnson*, Andy Kerr, Immediate Past Chair of the Board Roger Key*, Susan Nelson, Gail Plummer, President-elect Frank Stevenson, TYLA President Barrett Thomas

Participating via teleconference: Tina Green*, Tino Ramirez*, Ford Sasser

**Nonvoting member*

I. APPROVAL OF MINUTES

Upon motion properly made by Gail Plummer and seconded by Diane DeVasto, the minutes of the March 10, 2015 Executive Committee meeting were approved as presented.

II. REPORTS

A. Report from the President: President Allan DuBois reported that since Annual Meeting, he has had the pleasure of engaging with bar leaders from across the state and country at events like the Bar Leaders Conference in Houston and the ABA Annual Meeting in Chicago. The first LeadershipSBOT will kick off on September 17th in Austin. The next session of the well-received Solo Small Firm CLE will take place September 23rd in Frisco prior to the September Board meeting. The Supreme Court issued an order dated April 28, 2015 that amends Article XII of the State Bar Rules eliminating the MCLE exemption for emeritus attorneys, which means that beginning June 1, 2016, emeritus members will be required to comply with MCLE requirements. Positive response has been received from the launch of the new inspirational video, "TLAP Is There", which is designed to inspire members to get help for themselves or lawyers they know who are dealing with substance abuse issues. President DuBois is continuing to seek support for the Sheeran-Crowley Trust, and the list of donors keeps growing.

B. Report from the Chair of the Board: Chair of the Board David Chamberlain reported that the Board will continue to reach out to local bar associations and deliver a State Bar Update CLE presentation. In October, a communications letter will go out to all constituents in each district from the directors in that district. Senate Bill 534, sponsored by Sen. Kirk Watson and Rep. John Smithee, amends the existing Texas Lawyer's Oath to add a civility element. The bill, which was part of the Board's legislative program, passed the Legislature unanimously and was signed by Governor Abbott on May 15th. The new oath will be used to swear in inductees at the next New Lawyer Induction Ceremony on November 16th at the Erwin Center in Austin.

C. Report from the President-elect: President-elect Frank Stevenson is enjoying his President-elect speaking opportunities and communicating with members. The Budget Committee will hold its first meeting on Thursday, September 24th in Frisco in conjunction with the Board meeting to discuss the State Bar's budget process and timeline. Budget packets will be furnished to division and department directors on October 2nd. The Budget Committee is scheduled to meet on Thursday, December 10th in order to discuss and finalize a proposed FY 2016-17 budget for presentation to the Executive Committee and to the Board at their respective January meetings.

D. Report from the Immediate Past President: Immediate Past President Trey Apffel commended President DuBois and President-elect Stevenson for their dedication since both of their terms began. He recently attended the annual meetings of the Louisiana, Mississippi, and Alabama State Bars.

E. Administration Committee: Andy Kerr reported that the Performance Measures and Strategic Planning Subcommittee, chaired by Rebekah Brooker, is finalizing updated State Bar performance measures, which will be ready for the Board's consideration at the September Board Meeting in Frisco. This is part of the Board's required biennial updates of the strategic plan and performance measures.

F. Audit & Finance Committee: Brent Benoit reported that the amount of general fund net revenues over expenditures budgeted at this point is approximately \$713,000, and the actual net amount is approximately \$803,000, which results in a positive net variance of 13%. The CPA firm of Padgett & Stratemann is currently performing the State Bar's financial audit for FY 2014-15. The fieldwork has been completed, and the financial audit report will be presented to the Committee during its January meeting. The CPA firm of Maxwell Locke & Ritter has started the State Bar's internal audit for FY 2014-15. The State Bar's 4-Year Internal Audit Plan specifies reviewing the following areas this year: membership, lawyer referral, purchasing & facilities, TexasBarBooks, IT management, and particular areas within the finance division. The internal audit report will be presented to the Committee during its January meeting in conjunction with the January Board meeting.

G. Nominations & Elections Subcommittee: Immediate Past Chair Roger Key reported that the Nominations and Elections Subcommittee will begin the process of finding potential nominees to run for President-elect. For this election cycle, it is a small city year, meaning that potential nominees may come from the non-metropolitan areas of the state (all counties except Bexar, Dallas, Harris, Tarrant, or Travis counties). The subcommittee will meet in conjunction with the Board meeting in Frisco 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. The Committee will also be looking at the campaign rules pertaining to social media, and plan to make some amendments to the rules to allow for greater use of social media in campaigns. With social media becoming so prevalent in communications, the candidates will be able to better communicate with attorneys through the use of social media. The election will begin on April 1st.

H. DCAAP Committee: Gail Plummer reported that the DCAAP Subcommittee will meet for the first time in Frisco in conjunction with the Board meeting, and they will hear from the Chief Disciplinary Counsel about the disciplinary system. There are no plans currently to address any specific disciplinary rule changes this year, but the subcommittee will keep the Board updated if anything changes.

I. Member Services and Education Committee: Susan Nelson 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 initiative called "*And Justice for All: Preventing Wrongful Convictions Through Education*". The project teaches criminal law practitioners how to recognize common issues and situations that lead to wrongful convictions. The subcommittee voted to approve the request and will report on it in greater detail at the September Board meeting.

Nelson reported that the PDP Subcommittee met jointly with the CLE Committee on August 21 to brainstorm new topics and hear staff reports. The TexasBarBooks' *Family Law Practice Manual* will be moving towards an online subscription version which will reduce costs for attorneys. The subcommittee also discussed the progress of the new rule requiring lawyers 70 or older to meet MCLE requirements and the suitability of the TexasBarCLE scholarship program to assist lawyers in that category. The scholarship program offers high-quality CLE without regard to a lawyer's financial situation, and the program should help alleviate financial concerns for some attorneys especially with the implementation of the MCLE rule.

Nelson reported that open enrollment for health insurance products for the State Bar Private Insurance Exchange will run from November 1, 2015 to January 31, 2016. Currently 10,558 individuals are enrolled in one or more

insurance products through the Exchange. The program is anticipated to grow an additional 16% this year. The subcommittee is working on a new structure for the Trust which will eliminate the need for individual trustees and move to a modern and streamlined setup where a bank will serve as trustee. This change will require an update to the Trust agreement which is on track to be presented for approval at the September Board meeting.

J. Supreme Court Liaison: Justice Phil Johnson reported that 15 comments were received after the MCLE rules changes for emeritus attorneys were published. The Access to Justice Commission is looking at changing the format of their fundraising gala to cut down on costs.

K. Texas Young Lawyers Association: TYLA President Barrett Thomas reported on upcoming TYLA activities and projects, including the public service project “*And Justice for All: Preventing Wrongful Convictions Through Education.*” The first TYLA Board meeting will be September 11-13th in South Padre Island.

L. Report from the Executive Director: Michelle Hunter reported that over the next 21 months, the State Bar will be going through the Sunset Review process, and the Self Evaluation Report completed by staff was submitted to the Sunset Commission on September 1st. The next step in the process will be the Sunset staff review. KaLyn Laney outlined the timeline and chronology of events for going through the process.

There being no further business, the meeting was adjourned at 11:57 a.m.