

**OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Texas Law Center
Austin, TX
Thursday, January 11, 2018**

The Executive Committee met on January 11, 2018, in Austin at the Texas Law Center. President Tom Vick called the meeting to order at 10:31 am, and Executive Director Trey Apffel called the roll.

Present: Rehan Alimohammad, Christy Amuny, Estrella Escobar, Immediate Past Chair of the Board Joe Escobedo*, Philip Mack Furlow*, Ann Greenberg, Laura Gibson, Angelica Hernandez, President-elect Joe K. Longley, Audrey Moorehead*, Gary Nickelson, TYLA President Baili Rhodes, Scott Rothenberg, Greg Sampson, Immediate Past President Frank Stevenson, Scott Stolley, and President Tom Vick.

Participating via teleconference: Rehan Alimohammad

Excused absence: Wendy Burgower*, Justice Phil Johnson*, TYLA President-elect Sally Pretorius

**Nonvoting member*

I. Remarks from the General Public

Carlos Leon from Austin, TX addressed the Executive Committee regarding a dismissed grievance.

II. Report from the Executive Director

Executive Director Trey Apffel shared that he will continue his commitment to expanding our communication efforts through direct outreach to staff and membership. He is reviving the monthly Executive Director's column that was a regular feature in the *Texas Bar Journal* throughout the 1990s. His first column was published in December. At the end of each message he offers his contact information and invites members' feedback. The *Bar Journal* staff will start publishing a regular "director spotlight" feature.

Mr. Apffel reported that he has asked the State Bar staff to always be looking for how the Bar can be improved. The State Bar's focus, he said, should be on serving its members. He plans on traveling the State to let members know what the Bar can do for them and ask them what they need from the State Bar.

Mr. Apffel has directed that the State Bar staff receive training on harassment prevention. He reported that State Bar Labor and Employment Law Section, and TexasBarCLE have put together a one-hour webcast titled "Beyond the Headlines: What You Need to Know About Sexual Harassment Law."

Mr. Apffel acknowledged the issue of whether the State Bar should switch to an all-digital *Texas Bar Journal* to save money on printing and mailing. The State Bar has studied this issue since at least 2008 and has identified several major factors to consider before a change could be made.

The State Bar will be conducting a judicial poll from January 16 through February 6. The races will include contested primary races for the Texas Supreme Court, Court of Criminal Appeals, and the courts of appeals from the various judicial districts throughout the state. The poll will be collected electronically.

Mr. Apffel reported on records related to the official business of the State Bar that are public information. In calendar year 2017 the State Bar received about 250 public information requests, which is an unusually high number. He said the State Bar is adjusting its resources accordingly.

III. APPROVAL OF MINUTES

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

Upon motion properly made by Christy Amuny and seconded by Estrella Escobar, the minutes of the September 7, 2017, Executive Committee meeting were approved as presented. {Exhibit A}

IV. REPORTS

- A. **Report from the President:** President Tom Vick reported on his travels to Houston to meet with ABA President Hilarie Bass; to Fort Worth for the 2nd Court of Appeals 12th Anniversary; to San Antonio for a Paralegal Luncheon; to Austin for the Texas Minority Counsel Program; to the TYLA Board Meeting in College Station; and to Austin for the SBOT holiday party.

President Vick reported that the State Bar will continue its Solo and Small Firm Outreach CLEs this month with a 2.5-hour CLE presentation on January 24 in San Antonio. He thanked Sarah Keathley, Dinesh Singhal, Jeff Chandler, and Greg Sampson for volunteering their time to speak at the CLE.

President Vick reported that in cooperation with the State Bar's Professionalism Committee, the Supreme Court and the Court of Criminal Appeals have designated April 20, 2018, as the Texas Day of Civility in the Law. They are urging all Texas lawyers to participate in programs at local bar associations that will focus on the spirit and aspirations set forth in the Texas Lawyer's Creed. In order to support this effort, he will ask the board to approve a resolution supporting the Texas Day of Civility at the January meeting.

President Vick reported that to date, nearly 895,000 individuals or households in Texas have registered with the Federal Emergency Management Agency for assistance as a result of Hurricane Harvey. The State Bar's toll-free disaster legal hotline received 6,111 calls between August and November. Nearly 3,100 of those calls came in September alone. The hotline seamlessly transfers callers to the legal aid agency in a caller's area for assistance.

Volunteer attorneys, including many from out of state, continue to help people with legal questions relating to the disaster through the State Bar's TexasLegalAnswers.org website. During a Disaster Legal Services conference call on Tuesday, representatives from both Lone Star Legal Aid and Texas Rio Grande Legal Aid reported their call volumes remain heavy and the need great, but they are managing well thanks to volunteers in those communities. The vast majority of the cases continue to be FEMA benefits appeals and rental or other housing cases.

President Vick called on Director Angelica Hernandez to report on at-large directors. Director Hernandez reported that the terms for two board members who held minority director positions (now at-large director positions) are up for replacement.

The Ad Hoc Committee to Select At-Large Directors considered 23 nominations that were submitted to the committee. Out of that group, the committee interviewed 8 people, and recommended 4 to Tom Vick for consideration. Director Hernandez thanked the members of the committee for their service - Audrey Morehead, Sam Houston, Dinesh Singhal, and Amie Peace.

President Vick's selected James Woo of San Antonio, whose term will begin at this next board meeting and end in 2020, and Wendy Adele Humphrey of Lubbock, who will be sworn in at the upcoming Annual Meeting. **{Exhibit B}**

President Vick reported that in December, the Appellate Section submitted a request for permission to file an amicus brief in the Texas Supreme Court which encourages the Court to grant review in *In re Paul & Cynthia Elizondo and Eagle Fabricators, Inc.*, which involves a procedural question regarding the finality of judgments. Because the deadline for filing the brief fell before the next EC and Board meetings, the request was considered on an expedited basis by the Ad Hoc Submission Committee. The Committee approved the request unanimously. **{Exhibit C}**

On behalf of the Ad Hoc Submission Committee, President Vick moved that the EC approve the committee's decision to approve the Appellate Section's request. Coming from a committee, no second was needed. Motion carried.

- B. **Report from the Chair of the Board:** Chair of the Board Rehan Alimohammad reported that the district letters from board members were mailed in November. He thanked the Communications Division for their efforts in sending these

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in a timely manner. The next correspondence from the board members to their districts will be an e-blast, which will be sent in February.

Chair Alimohammad reported that the deadline was January 5 for directors to submit letters of intent to run for next year's Chair of the Board. He received letters of intent from three candidates: Christy Amuny, Laura Gibson, and Rudy Metayer.

- D. Report from the President-elect: President-elect Joe K. Longley reported that The Budget Committee met on December 7th at the Law Center. After hearing from representatives of the State Bar Divisions and Departments, the Committee approved the Fiscal Year 2018-2019 budget as presented. If approved, the budget will be published in the March 2018 issue of the *Texas Bar Journal*. **{Exhibit D}**

Mr. Longley shared that the total amount available for commitment by the State Bar Board is \$1,873,219 for FY 2018-2019 as presented in the FY 2016-2017 audited financial report. The Audit & Finance Committee and the Budget Committee plan to make the recommendations to the Board at the January meeting for commitment of the available funds.

On behalf of the Budget Committee, President-elect Longley moved for approval of the SBOT FY 2018-19 proposed budget for publication in the March 2018 issue of the *Texas Bar Journal*; no second needed. Motion carried, no discussion.

President-elect Longley reported that two of his task forces have been meeting. The Financial Responsibility Task Force discussed digitizing the Texas Bar Journal. They spoke with the Executive Director of the California State Bar to discuss the changes that their Bar has been going through due to the reforms passed by their Legislature. The Transparency Task Force will be meeting to discuss the transparency of the new internal records policy proposal.

- E. Report from the Immediate Past President: Immediate Past President Frank Stevenson reported that the third TOJI cohort begins this spring with nearly 30 attorneys. As of January 9, 24 qualified attorneys had applied to join the next cohort scheduled to start in March. Applications for the next cohort are being accepted on a rolling basis through January 19. As of the end of November 2017, TOJI lawyers have served approximately 320 clients, including engagements and appointments. With 8 months reporting, the first cohort has provided approximately 740 hours of pro bono legal services and approximately 735 hours of service to modest-income Texans. With 2 months reporting, the second cohort has provided approximately 105 hours of pro bono legal services and approximately 50 hours of service to modest-income Texans. That's a total of 845 pro bono hours and 785 modest-means hours in only eight months—at an estimated total monetary value of \$247,500. In addition, TOJI has facilitated or coordinated approximately 130 hours of training for its member lawyers.
- F. Administration Committee: Director Scott Stolley reported the Administration Committee met in November and twice in December to consider and discuss the proposal that the State Bar Board elect a general counsel. Mr. Stolley reported that the committee is ready to make a recommendation regarding the general counsel position. On November 17, the committee had an introductory meeting to introduce and discuss the general counsel position and surrounding issues. The committee met again on December 8 and agreed that State Bar Act and Rule provisions regarding a general counsel are mandatory, not permissive, as had been decided by the Board in 2010. The committee met on December 28 and agreed that the duties of in-house legal counsel and State Bar general counsel should be split. There was also consensus that the General Counsel could initially be a part-time, outside counsel position. The committee discussed additional considerations that will need to be worked out if the Board decides to elect a General Counsel, including the role and duties of the General Counsel, and policies and procedures for how and when the Board will seek and receive advice from the General Counsel. Depending on what the Board decides, the Policy Manual Subcommittee will need to update the manual accordingly. **{Exhibit E}**

Director Scott Stolley made a motion that the Executive Committee approve the Administration Committee's recommendation that the State Bar maintain an in-house legal counsel and that the Board elect a general counsel. Coming from a committee, no second is needed. Motion carried.

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Discussion: In the past the General Counsel was a full time position. The Administration Committee, however, recommends that the Board have the ability to seek outside counsel to perform this role. The General Counsel position would not need to be working on the State Bar day to day affairs.

- G. Audit & Finance Committee: Tim Mountz reported that the General Fund net revenues over expenditures for the period ending November 30, 2017, was approximately \$853K. The amount budgeted for the same period was (\$326K). This resulted in a positive net revenue over expenditure variance of slightly under \$1.2M.

Mr. Mountz reported that the CPA firm, RSM, has completed the FY 2016-2017 financial audit of the State Bar. The financial audit resulted in the Bar's receiving an "unmodified opinion". An unmodified opinion is often referred to as a "clean" opinion and is the best financial audit opinion the State Bar can receive. Mr. Mountz reported that RSM encountered no difficulties during the audit and that they did not have any disagreements with management. The auditors identified two internal control deficiencies that are being addressed by management. One control deficiency relates to the accounting controls for the SBOT Insurance Trust. The other relates to the implementation of Governmental Accounting Standards Board (GASB) 68 for pension expense. Additional accounting controls will be implemented in these two areas. The Audit & Finance Committee will make a recommendation to the Board during the January 25 meeting that the financial audit report be accepted.

Mr. Mountz reported that at the September 2017 board meeting, the board delegated authority to the Audit and Finance Committee to select and engage an internal audit firm to complete the State Bar's internal audit for fiscal years 2017 – 2021. The Audit and Finance Committee reviewed the responses to the Request for Proposal for internal audit services, interviewed the top 2 internal audit firm candidates, and unanimously agreed on the final selection of the CPA firm, McConnell & Jones, L.L.P. The Audit and Finance Committee engaged McConnell & Jones, L.L.P. in November to complete the FY 2016-2017 internal audit in accordance with the internal audit plan. The audit is underway currently and on track to be completed by the April Board Meeting. Representatives from McConnell & Jones, L.L.P. will present the Internal Audit Report to the Audit & Finance Committee during the April Board meeting. The Audit & Finance Committee will make a recommendation to the Board during the April board meeting regarding acceptance of the internal audit report. **{Exhibit F}**

- H. Nominations & Elections Subcommittee: Immediate Past President Frank Stevenson reported that the subcommittee has been working on revamping the election guidelines and on seeking nominees to recommend to the board as candidates. Mr. Stevenson reported that Lisa Blue of Dallas and Randy Sorrels of Houston have indicated their intent to obtain signatures in order to be placed on the ballot for President-elect through campaign emails and personal appearances, which has had a significant impact on the nominations process. The Nominations and Elections Subcommittee met on September 21 to review a list of names of people to consider as nominees for president elect. The subcommittee identified 31 individuals to contact, consisting of former board members, non-board members, and included Lisa Blue and Randy Sorrels. The co-chairs divided up the list of the 31 individuals, and made personal phone calls to each of them. All of them declined, primarily because of the advantage given to petition candidates under the current election guidelines. Individuals seeking candidacy by petition began campaigning in late August - five months before the State Bar Board chooses its two candidates. The individuals contacted felt that this disadvantage was unfair and could not be overcome.

Mr. Stevenson reported that the committee determined that since there were no other individuals who would run, the prudent course of action would be to nominate Lisa Blue and Randy Sorrels as candidates for the board's consideration at the January meeting in light of their active campaigning and stated desire to serve as President. On November 22, the committee passed a resolution selecting Lisa Blue and Randy Sorrels as nominees for the board's consideration at its January 2018 meeting. Mr. Stevenson reported that nominating Ms. Blue and Mr. Sorrels satisfies the requirement that the Nominations and Elections Subcommittee submit to the State Bar's Board of Directors the names of two or more qualified nominees for President-Elect. **{Exhibit G}**

On behalf of the Nominations and Elections Subcommittee, Immediate Past President Frank Stevenson made a motion that the Executive Committee approve Lisa Blue of Dallas and Randy Sorrels of Houston as the State Bar Candidates for President-elect for the 2018 election. Coming from a committee, no second is needed. President-elect Longley called for a roll call vote. The results were eleven votes "yes" and two abstentions. Motion carried.

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Mr. Stevenson reported that the committee has proposed amendments to the election guidelines for district director and president-elect. The amendments are focused on fairness for all candidates, and provide for consistency in the application of the election guidelines. In August, the subcommittee identified several areas needing study, including the timing of the nominations process and the election, and the application of the campaign guidelines.

A subcommittee of the subcommittee, chaired by Ann Greenberg, studied these issues and developed recommendations that were considered by the full subcommittee. The first revision concerns petition signatures. Currently, the guidelines do not address a timeline for how long petition signatures are valid. The committee looked at the election code to determine how the state addresses this issue, and noted that the Election Code requires a 180-day expiry for collection of signatures.

There was much discussion about the election code and whether the committee is required to follow it. Regardless of whether the election code legally binds the State Bar, the committee believes that this policy is sound, and that they should apply this timeline to the petition gathering process for director and president-elect candidates.

This concept is incorporated in both Policy Manual section 1.03.03(c) for directors and section 2.01.06 for president-elect. Using a 180-day expiry will make the signature gathering process consistent across the board, and will prevent someone from collecting signatures all year which could give an unfair advantage over other candidates. Absent such a policy, the board's ability to find nominees who are willing to run and to serve will be severely impacted.

Mr. Stevenson reported that the next revision (section 2.01.05) would shift the entire president-elect nominations process so that the board would now be selecting its candidates at the September board meeting, instead of the January board meeting. The committee would then put out a call for nominations in June and July, meet at the Local Bar Leaders conference to develop a list of potential nominees, and have interviews in August. The board would then vote on nominees in September. These two amendments (the 180-expiry period, and moving up nominations to September) would place the petition candidates and the board's nominated candidates on more equitable footing.

In section 2.01.07 of the Policy Manual (governing candidate pools) the committee wanted to clarify the geographical rotation of potential candidates for President-elect. The existing language isn't clear that candidates in the open year must either come from metro counties or small counties. The proposed amendment adds language that the subcommittee will make a determination in the open year about the geographic rotation, and make that designation by July 31 of every year. Without such clarification, a large metropolitan county petition candidate could choose to run against two board candidates from small counties. This scenario would be unfair, and would counter efforts to have bar presidents from rural areas.

The committee proposes deleting section 2.01.10 pertaining to candidate campaign activity guidelines. In the event of a violation of any of these guidelines, the only recourse the Board has had was to allow all candidates to participate in the same type of behavior, which is not an ideal solution. There were also questions about the constitutionality of some of these guidelines.

While the committee proposes eliminating many campaign conduct restrictions, it does expect candidates to comport themselves in compliance with all applicable provisions of the Texas Lawyers Creed. Director Ann Greenberg added this language for both director and president elect candidates (1.03.08 B and 2.01.15).

Regarding campaign expenditures for president elect candidates in 2.01.13, the committee added aspirational language to say that candidates are urged to spend no more than \$25,000.

Mr. Stevenson reported that the committee proposes a provision in 2.01.16 that the subcommittee may request the Executive Director to offer all candidates the opportunity to distribute one or more campaign messages via the State Bar's membership email list if the subcommittee determines that it would contribute to fairness in an election.

In 1.10, the committee clarified that officers and members of the board may endorse candidates for state bar offices in their official capacities if they so desire. This is done to alleviate any free speech concerns about being able to make endorsements for those running for state bar elective offices.

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Mr. Stevenson thanked all the members of the Nominations and Elections Subcommittee, the members of the sub-subcommittee, chaired by Ann Greenberg, Tom Vick, and Joe Longley. {Exhibit H}

On behalf of the Nominations and Elections Subcommittee, Immediate Past President Stevenson made a motion that the Executive Committee approve the amendments to Board Policy pertaining to election of director and President-elect as identified in the packet of materials, and that the amendments be effective June 1, 2018. Coming from a committee, no second is needed. President-elect Longley called for a roll call vote. The results were twelve “yes” with one abstention. Motion carried.

The subcommittee is proposing amendments to the State Bar Rules that pertain to nominations and elections. The staff drafted these amendments simply to align the subcommittee’s proposed revisions in Board policy with applicable changes to the State Bar rules discussed previously. If the board approves these changes to the State Bar Rules, they will go to the Supreme Court for consideration. {Exhibit I}

On behalf of the Nominations and Elections Subcommittee, Immediate Past President Stevenson made a motion that the Executive Committee approve the proposed amendments to the State Bar Rules as identified in the packet of materials for submission to the Supreme Court. Coming from a committee, no second is needed. President-elect Longley called for a roll call vote. The results were twelve “yes” and one abstention. Motion carried.

Break for lunch: 12:25 pm – 1:25 pm

- I. Policy Manual Subcommittee: Director Philip Mack Furlow reported that the Policy Manual Subcommittee has six revisions and additions to the Board Policy Manual. {Exhibit J}

Mr. Furlow reported that the revisions to ABA Delegates (1.20) are intended to accomplish two things: 1. Make the process of choosing ABA delegates simpler and more manageable; and 2. Designate the Chair and the Immediate Past Chair (in that order) as automatic alternates in the event the President, President-elect, or Immediate Past President are unable or unwilling to serve.

Director Furlow reported on a provision regarding appointments by the President or President-elect (2.04). It has been State Bar practice to have the Board and/or the Executive Committee approve appointments by the President and President-elect to standing committees, special committees, and affiliated entities. This provision codifies that practice and provides that all appointments by the President or President-elect to any entity, including ad-hoc committees and task forces, be approved by the Executive Committee or the Board.

Director Furlow reported on revisions to the Board Committees (1.14) and Executive Committee (1.15). The revision is intended to make it clear that the Executive Committee, being a committee of the Board, consists only of members of the Board (including non-voting members like liaisons and section representatives to the Board).

Director Furlow reported on the addition of State Bar Records (9.03), Processing Information Requests (9.04) and PIA Policy (9.05):

Section 9.03 is new and reflects existing law concerning official records of the State Bar. In short, it provides that: A) Officers, directors, and employees must maintain official State Bar records in accordance with the Bar's record retention schedule. B) Officers, directors, and employees may not willfully destroy, mutilate, remove without permission, or alter official Bar records except in accordance with the Bar's record retention schedule. C) Officers, directors, and employees may not disclose or distribute confidential information.

Section 9.04 is also new. Paragraph A provides that the State Bar will comply with the Public Information Act concerning requests by the public; and Paragraph B sets out a process to be followed when an officer or director requests records. In short, the process is: 1) requests by officers and directors are submitted to the Executive Director in writing with a copy to all officers and directors; 2) the ED, in consultation with the Officers and the Chair will adopt reasonable procedures regarding the timing, copying and process for review; 3) the ED may, at any time, seek the guidance and will of the Board concerning the appropriate response to an officer or director

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request; and 4) if an officer or director disagrees with the decision of the ED concerning a request, the requestor can take the matter to the Board.

Section 9.05 revises our PIA policy. It is intended to be more "reader friendly" and streamlined.

Director Furlow reported on political endorsements and advocacy. The revised election guidelines that were considered earlier in revised section 1.10 of the Policy Manual to allow officers, directors, and employees to endorse candidates for State Bar offices. This new section 1.24 makes it clear that officers, directors, and employees, in their official capacities, may not endorse candidates for non-State Bar offices.

Director Furlow reported on Special Committees and Task Forces (1.14.04 through 1.04.08). Proposed section 1.14.04 is new and is intended to bring the Policy Manual into line with sections 81.122 and 81.123 of the State Bar Act. Section 81.122 provides that special committees are subject to the approval of the Executive Committee. Task forces are considered special committees created to complete a specific project. Section 81.123 provides that prior to approval, the Executive Committee must consider the fiscal impact and whether the proposed standing or special committee can be addressed by an existing standing or special committee.

President-elect Longley raised questions about the officers and directors request policy proposal in the context of a recent request by him related to personal emails. Mr. Apffel provided details on the request, wherein Mr. Longley requested emails between the former State Bar Executive Director and her spouse.

Mr. Apffel related that he advised Mr. Longley that he was not comfortable giving those emails as they did not constitute official State Bar business and constituted only incidental use of State Bar equipment. He consulted via teleconference with Mr. Vick, Mr. Longley and Mr. Alimohammad, and Mr. Apffel related that Mr. Vick and Mr. Alimohammad agreed that these emails were not official State Bar business and supported Mr. Apffel taking the matter to the Board for guidance. Mr. Longley reported that he recorded the teleconference, that he gave a copy of the call to Mr. Apffel and then requested that it be provided to the Board.

Director Stolley stated that he would like to hear pros and cons on this proposal. Mr. Vick reported that it would set up a process to follow when a request for records by an officer or director is made, where no policy currently exists. By this process, if the officer or director or the executive director do not agree for any reason, the matter will be referred to the Board as the governing body of the Bar.

More discussion followed and included questions and remarks by directors Amuny, Escobar, and Gibson.

On behalf of the Policy Manual Subcommittee, Director Furlow made a motion that the proposed changes to sections: 1.14, 1.15, 1.20, 1.24, 2.04 and 9.03, as set forth in the provided materials, be approved. Coming from a committee, no second is needed. President-elect Longley called for a roll call vote. The results were eleven "yes" and one "no". Motion carried.

- J. Discipline & Client Attorney Assistance: Director Greg Sampson reported that as a result of legislation passed following the Sunset Review process, changes to the attorney disciplinary process are required through rule revisions proposed by the Chief Disciplinary Counsel (CDC) and adopted by the Texas Supreme Court. The primary objectives of the legislative mandates are to promote earlier resolution of complaints and increased consistency in the process. The proposed revisions to the disciplinary procedural rules include: referral by CDC during the initial screening process of minor grievances to the Client Attorney Assistance Program (CAAP) -- the State Bar's voluntary mediation and dispute resolution division -- for possible early resolution; and establishment of CDC's Grievance Referral Program (GRP) -- a diversionary program designed to identify and assist lawyers who have impairment or performance issues -- in the disciplinary procedural rules and availability of the program before a matter reaches formal litigation; The ability of CDC to issue subpoenas and hold investigatory hearings during the investigation phase of the process and to enter into a negotiated sanctions with respondent lawyers before matters reach formal litigation; and guidelines for imposing sanctions to be utilized by district grievance committees and district courts after a finding of professional misconduct.

Director Sampson reported that after the Commission for Lawyer Discipline and DCAAP Committee reviewed initial

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drafts of the sanction guidelines, they were sent to the Board of Disciplinary Appeals, the Supreme Court's Grievance Oversight Committee, and the District Grievance Committee Chairs for comment. The new legislation also requires lawyers to self-report criminal convictions and any disciplinary action taken by another state bar against the attorney. This self-reporting obligation is proposed as an amendment to Texas Disciplinary Rule of Professional Conduct 8.03 ("Reporting Professional Misconduct"). The Commission for Lawyer Discipline reviewed and approved the proposals at its November 2017 meeting. The DCAAP Committee reviewed and approved the proposals at its December 2017 meeting and this will be presented to the Board for action at the meeting this month. DCAAP also asked that they be sent to the membership for comment and the proposals were sent out earlier this week to the membership for comment. Comments received will be forwarded to the Supreme Court. The legislation requires the Supreme Court to adopt rules by March 1, 2018. The effective date of the new rules is anticipated to be June 1, 2018.

K. Client Security Fund: No report.

L. Member Services & Education Committee: Director Gary Nickelson reported that the Professional Development Subcommittee will meet jointly with the CLE Committee on April 18. Due to very strong online sales, TexasBarCLE currently shows a positive budget variance in revenue of 3%. Last fiscal year, TexasBarCLE awarded 509 scholarships with a retail value of more than \$200,000. TexasBarCLE is pleased to announce that as of August 2017 all CLE speeches in the online classroom include interactive transcripts and an option to view close captioning of the video. This provides better accessibility for lawyers with hearing impairments and improves learning retention over all. TexasBarBooks has reached 1,000 active subscribers for its four online subscription-based manuals. The next manual to be added is the Texas Probate System. Revenue from online subscriptions has gone from \$6,500 per month at the end of FY 15-16 to over \$18,000 per month currently. TexasBarBooks recently launched new purchase pages on the texasbar.com website that make it easier for attorneys to compare the available formats for our manuals. TexasBarBooks has provided scholarships for eighty-seven publications at a total value of nearly \$28,000.

M. Insurance/Member Benefits Subcommittee: Director Scott Rothenberg reported that enrollments have already exceeded projections for this fiscal year. Major medical enrollments in the Insurance Exchange have grown by 18%. The number of individuals enrolled in one or more products has grown by 9%. The subcommittee worked with the Exchange to conduct Open Enrollment presentations in Austin, Dallas, Houston, and San Antonio. At this month's board meeting, the subcommittee will be reviewing and discussing the State Bar of Texas Insurance Trust audit. As a component unit of the Bar, the Trust is included in the Bar's audit. While the Trust had a clean audit, it has been determined that financial processes would be more efficient if conducted by the State Bar Accounting Department. The subcommittee will be discussing possible enhancements to the program.

Director Rothenberg reported that the subcommittee's goal this year will be to add access to an affordable website platform for its members in cooperation with LexBlog. In order to launch the program, the Bar will contribute \$5,000 monthly to cover setup and infrastructure, which will eventually be offset by a 10% royalty as members join the program. Member monthly subscriptions would be \$49.99 with no setup fee, including a free domain name. Director Rothenberg reported that the subcommittee will consider offering a student loan assistance program through GotZoom. This program would offer members substantial savings in their first years of practice (subsidized by the federal government) and would also provide the Bar with an additional source of non-dues revenue.

N. Section Representatives to the Board: Section Representative Audrey Moorehead reported that she had two action items. The Individual Rights and Responsibilities Section is requesting to change its name to the Civil Liberties and Civil Rights Section pursuant to section 5.01.03 of the Board Policy Manual. The new name is more reflective of the section's objectives and mission. The name-change has been presented to the Section membership by an electronic poll. The results show overwhelming support for the change by the section membership. The Council of Chairs was supportive of a name-change and there was no dissent. The Section Representatives find that there is good cause for the name change and that the proposed new name does not substantially conflict with the jurisdiction of any other section; nor does it expand the purview of the section.

On behalf of the Section Representatives committee, Audrey Moorehead recommended that the name change be approved by the Executive Committee and placed on the agenda for the next Board of Directors meeting for approval by the full Board. Coming from a committee, no second is needed. No discussion; motion carried.

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Section Representative Audrey Moorehead reported that the Section Representatives have been asked to supervise and review the proposed formation of a new section: the Child Protection Law Section. The proposed section has submitted a petition and a draft set of bylaws. These have been reviewed by the Section Representatives Committee and legal counsel. Both were found to be in compliance with section 5.01.02 of the Board Policy Manual. The purpose of the Child Protection Law Section shall be to promote the objectives of the State Bar of Texas by improving the practice of Child Protection Law and by educating Texas attorneys who practice in this area, subject to the bylaws of the section and the laws, rules, and regulations of the State Bar of Texas. The Child Protection Law Section will provide education and resources to Texas attorneys who practice in the areas covered by the new child welfare law practice standards. {EXHIBIT K}

On behalf of the Section Representatives committee, Audrey Moorehead moved that the new section for Child Protection Law be approved and that the Executive Committee recommend to the full Board of Directors that the section be granted provisional status as a new section for three years, in accordance with Board Policy. Coming from a committee, no second is needed. No discussion; motion carried.

M. Supreme Court Liaison: No Report.

N. Texas Young Lawyers Association: TYLA President Baili B. Rhodes reported that TYLA attended the ABA YLD meeting in Denver and presented “Making the Impact - Creating and Delivering High Quality Programming”. They were also able to showcase TYLA products. Ms. Rhodes reported that the TYLA Board had its November Board Meeting in Houston where they invited local affiliates. TYLA had a January Board Meeting in College Station, where Executive Director Trey Apffel attended. She also reported that TYLA filmed video content for “Free From Violence” and “Sexual Assault Survivor’s Guide”. She highlighted her project, “Teach Safe, Learn Safe, Be Safe,” which is supported by a grant from the Texas Bar Foundation. Ms. Rhodes reported on the “Privilege Guide,” “HIPPA Guide for Attorneys and Lawyers,” a roadshow with the Government Law Section and Independent Rights and Responsibilities Law Section in Laredo, and a CLE webcast for “The Hate Crimes Enhancement Statute”. TYLA’s nominees for President are Victor Flores (Denton) and Raymond Baeza (El Paso).

O. **Closed Session: At 1:23 PM, the Executive Committee recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of consulting with legal counsel regarding pending litigation, including LegalForce RAPC Worldwide v. LegalZoom 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 1:32 PM, the open session of the Executive Committee 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 1:33 pm.

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