

**OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Texas Law Center
Austin, TX
Thursday, April 4, 2019**

The Executive Committee met on April 4, 2019, in Austin at the Texas Law Center. President Joe K. Longley called the meeting to order at 10:30am, and Executive Director Trey Apffel called the roll.

Present: Christy Amuny, Erich Birch*, Estrella Escobar, Jarrod Foerster, Chair Laura Gibson, Charlie Ginn, Wendy-Adele Humphrey, Sarah Keathley, Neil Kelly, President Joe K. Longley, Emily Miller*, TYLA President Sally Pretorius, TYLA Immediate Past President Baili Rhodes, Greg Sampson, Dinesh Singhal, President-elect Randy Sorrels, and Immediate Past President Tom Vick.

Participated by phone: Immediate Past Chair Rehan Alimohammad*

Excused absence: Justice Debra Lehrmann*

**Nonvoting member*

I. Remarks from the General Public:

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

II. REPORTS

A. Discipline & Client Attorney Assistance:

Section Representative Wendy Burgower called in to report on the new process for how disciplinary rules and rules of disciplinary procedure are developed and implemented. On January 10th, the Committee on Disciplinary Rules and Referenda (CDRR) submitted its first rule proposals to the Board, which would amend the Texas Disciplinary Rules of Professional Conduct to address two issues: clients with diminished capacity; and confidentiality of information when seeking ethics advice. {SEE ENCLOSURES}¹

On behalf of the DCAAP Committee, Section Representative Burgower made a motion to approve the proposed amendments relating to deletion of rule 1.02(g) and new proposed rule 1.16 of the Texas Disciplinary Rules of Professional Conduct. Seconded by Director Humphrey. No discussion; motion carried.

On behalf of the DCAAP Committee, Section Representative Burgower made a motion to approve the proposed amendments relating to new Rule 1.05(c)(9) of the Texas Disciplinary Rules of Professional Conduct. Director Keathley seconded. No discussion; motion carried.

B. Report from the Immediate Past President:

Immediate Past President Tom Vick presented presidential citations to John Sirman and Ray Cantu.

C. Nominations & Elections:

Immediate Past President Tom Vick reported that March 1 was the deadline for candidates to submit petitions for president-elect and director. We did not receive any petitions for the position of president-elect, so the State Bar president-elect race consists of only Cezy Collins and Larry McDougal. Mr. Vick reported that there are 10 district directors of the Board whose terms will be ending at the Annual Meeting. There are four contested races and six uncontested races. The election will conclude on April 30. Results of the election will be posted on the State Bar website on the evening of April 30. {SEE ENCLOSURES}

D. Report from the Executive Director:

¹ Enclosures are available at www.texasbar.com/bodmaterials

Executive Director Apffel reported on recent travels, meetings, and activities. He reported that there will be a free CLE for solo and small firms in Georgetown, and gave an update on online dues payments. Mr. Apffel gave an update on President Joe K. Longley's attorney general request, *Fleck v. Wetch*, and *McDonald v. Longley*. He then introduced Counsel Tom Leatherbury. {SEE ENCLOSURES}

- E. **Closed Session:** At 11:02 am, 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, including regarding pending or contemplated litigation (*Patricia Baskette v. Prudential Insurance Company and State Bar of Texas Insurance Trust*, 5-18-cv-01150-OLG, W.D. Tex. (2018); *Fleck v. Wetch*, 585 U.S. ____ (2018); *McDonald et al. v. Longley et al.*, 1:19-cv-00219, W.D. Tex. (2019); and threatened litigation regarding voting in TYLA and State Bar statewide elections); and Section 551.074 to deliberate regarding personnel matter(s). 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 12:27 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.

The Executive Committee recessed for lunch.

- F. **Report from the President:** President Joe K. Longley reported on his testimony at the Legislature in favor of the judicial pay raise. He also talked about the Annual Meeting, the situation on the southern border, the NOVA program, the Lawyer Wellness Roundtable, and the selection of two at-large directors that will be considered by the Board for approval at the April meeting.

Upon motion properly made by Director Christy Amuny and seconded by Director Greg Sampson, the minutes of the January 10, 2019, Executive Committee meeting were approved as presented. {SEE ENCLOSURES}

- G. **Report from the Chair of the Board:** Chair Laura Gibson reported that district emails were sent out in March with updates on the State Bar elections, proposed disciplinary rules changes, and updates on member benefits and services. Chair Gibson reported that there are four directors running for chair: Jerry Alexander (Dallas), Alison Colvin (Brownsville), Leslie Dippel (Austin), and Neil Kelly (Houston).
- H. **Report from the President-elect:** President-elect Randy Sorrels reported that the public hearing on the State Bar's FY 2019-2020 proposed budget was held on April 2 at the Texas Law Center. Director Christy Amuny reported on the work of the Courthouse Access Badge Task Force, which is currently studying pilot projects around major metro areas. President-elect Sorrels reported on the proposed formation of a State Bar of Texas Board of Directors social media engagement team. {SEE ENCLOSURES}

President-elect Randy Sorrels made a motion on behalf of the Budget Committee to approve the presentation of the FY 2019-2020 proposed budget to the Supreme Court. No discussion; motion carried.

- I. **Administration Committee:** Director Christy Amuny reported that the Performance Measures and Strategic Planning Subcommittee will have an update at the April board meeting.
- J. **Audit & Finance Committee:** Director Jarrod Foerster reported on financial highlights for the period ending January 31, 2019. He reported that the independent internal auditors completed their audit in accordance with the Internal Audit Plan and are developing a new three-year Internal Control Audit plan for the State Bar. {SEE ENCLOSURES}
- K. **Professional Development Subcommittee:** Director Sarah Keathley reported that the CLE Committee and the Board PDP Sub-Committee will meet May 16 to discuss new topics for CLE programs and publications, finances, and operations. She reported on Flash CLE Silver, the free CLE event for solo and small firm practitioners in Texarkana,

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new editions of the Texas Civil Pattern Jury Charges, and the Texas Probate System Online launched by TexasBarBooks.

- L. Insurance/Member Benefits Subcommittee: Director Greg Sampson reported on the Texas Bar Private Insurance Exchange and the non-insurance member benefits. Director Sampson also reported that the subcommittee plans to present and request approval of the custodian designation form and agreement at the April Board meeting.
- M. Section Representatives to the Board: Section Representative Erich Birch reported that there are two newly elected section Representatives: Kathryn Murphy (Plano) and Deborah Cordova (McAllen).
- N. Supreme Court Liaison Report: Nina Hess Hsu gave no report.
- O. Texas Young Lawyers Association: TYLA President Sally Pretorius reported on various TYLA projects: “Proud To Be an American,” Podcasts, Junior Judges, the Future of Legal Practice panel, and Bookshelves in Courtrooms.

There being no further business, the meeting was adjourned at 1:41 pm.