

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
JW Marriott- Lone Star Ballroom D  
110 E. 2<sup>nd</sup> Street  
Austin, TX 78701  
Wednesday, June 12, 2019 – 1:00pm**

The Board of Directors of the State Bar of Texas met in a regular session on June 12, 2019, at the JW Marriott in Austin, TX. Chair Laura Gibson called the meeting to order at 1:00 pm, and Executive Director Trey Appfel called the roll. A quorum of voting Board members was present. Director Jeff Chandler delivered the invocation, and Director Chris Oddo led the pledges to the United States and Texas flags.

***Present:***

**Board Members:** Jerry Alexander, Immediate Past Chair Rehan Alimohammad, Jeff Allison, Christy Amuny, Jeff Chandler, Alison Colvin, Derek Cook, Rob Crain, Leslie Dippel, Michael Dokupil, Estrella Escobar, TYLA President-elect Victor Flores, Jarrod Foerster, Chair Laura Gibson, Charlie Ginn, Shari Goldsberry, Marc Gravely, August Harris, Angelica Hernandez, Wendy-Adele Humphrey, Sarah Keathley, Neil Kelly, David Kent, President Joe K. Longley, Aldo Lopez, Bob McKnight, Rudy Metayer, Steve Naylor, Chris Oddo, Amie Peace, TYLA President Sally Pretorius, Curtis Pritchard, TYLA Immediate Past President Baili Rhodes, Lisa Richardson, Fidel Rodriguez, Carmen Roe, Greg Sampson, Alan Sims, Dinesh Singhal, President-elect Randy Sorrels, Immediate Past President Tom Vick, Brad Weber, Amy Welborn, James Wester, and James Woo.

**Liaisons\*:** Judge Randy Clapp, Judge Barbara Hervey, Justice Debra Lehrmann, and Judge Karen Gren Scholer

**Section Representatives\*:** Erich Birch, Wendy Burgower, Judge Elizabeth Copeland, Shelby Jean, Matthew Kolodoski, and Emily Miller

***Excused Absences:*** Judge Linda Thomas (*\* denotes nonvoting*)

CONSENT AGENDA ITEMS:

**C1. APPROVAL OF MINUTES:**

*(Minutes Tab)* Approval of minutes of Board meetings conducted on April 26, 2019

**C2. ITEMS FROM THE 2019-20 PRESIDENT:**

Approval of appointments to the following entities:

**A. Section Representatives to the Board Committee**, for three-year terms effective Annual Meeting 2019 through Annual Meeting 2022:

**Deborah L. Cordova (McAllen) Medium-Sized Section  
Kathryn J. Murphy (Plano) Large-Sized Section**

For a one-year term effective Annual Meeting 2019 through Annual Meeting 2020:

**Emily Miller (Brownwood), Chair  
Shelby Jean (Fort Worth), Vice-Chair**

**B. Texas Bar College**, for three-year terms effective June 1, 2019, through May 31, 2022:

**Arnold Aguilar (Brownsville)  
Dylan Drummond (Dallas)**

**Sarah Dysart (San Antonio)**  
**Hon. George C. Hanks Jr. (Galveston)**  
**Roland K. Johnson (Fort Worth)**  
**Laura Prather (Austin)**  
**Hon. Steve Smith, Bryan**

- C. **Texas Access to Justice Commission**, for three-year terms effective June 1, 2019, through May 31, 2022:

**Lisa Hobbs (Austin)**  
**Richard LaVallo (Austin)**

- D. **Texas Access to Justice Foundation**, for three-year terms effective September 1, 2019, through August 31, 2022:

**Kay Sim (Houston)**  
**Terry Tottenham (Austin)**

- E. **Texas Bar Foundation Board of Trustees**, Board Liaison, for a one year term effective June 1, 2019, through May 31, 2020:

**James Woo (San Antonio)**

- F. **Texas Board of Legal Specialization**, for three-year terms effective July 1, 2019, through June 30, 2022:

**Frank Carroll (Dallas)**  
**Amy Dashiell (Austin)**  
**Grant Scheiner (Houston)**  
**Brian Webb (Dallas)**

- G. Approval of appointments to the following standing committees (per State Bar Rules, Art. VIII, Section 1B):

For three-year terms effective on the adjournment of Annual Meeting 2019 through the adjournment of Annual Meeting 2022:

**Administration of Rules of Evidence**  
Hon. Charles Michael Davis (Palestine)

**Texas Bar Journal Board of Editors**  
Santos Vargas (San Antonio)

**Diversity in the Profession**  
Chris Kirby (Austin)

**Legal Services to the Poor in Civil Matters**  
Farha Ahmed (Sugarland)

**Pattern Jury Charges-Oversight**  
Hon. Robert K. Shaffer (Houston)

**Professionalism**  
Al Harrison (Houston)

**Members Serving on Multiple Committees**

Joey Gonzalez (San Antonio)

Al Harrison (Houston)

For a two-year term effective June 1, 2019, through the adjournment of Annual Meeting 2021:

**Continuing Legal Education**

Scott Rothenberg (Houston)

For one-year terms effective on the adjournment of Annual Meeting 2019 through the adjournment of Annual Meeting 2020:

**Texas Bar Journal Editorial Board**

Britney Harrison - TYLA President-elect (Dallas)

**Jury Service**

Vice Chair: Stephen Nagle (Austin)

Advisory Member: Kaci Singer (Austin)

**C3. OTHER ITEMS:**

**A. Nominating Committee to Select ABA Delegates (*Chair Laura Gibson*)**

Approval of appointment of SBOT delegates to the American Bar Association House of Delegates, for two-year terms expiring at the adjournment of the 2021 ABA Annual Meeting:

**Victor Flores (Plano)**

**Larry P. McDougal (Richmond)**

**Jay E. Ray (Plano)**

**Randall O. Sorrels (Houston)**

**I. REPORTS:**

**A. Presentations of Citations:**

President Joe K. Longley presented resolutions to ProBar, Texas Civil Rights Project, Texas RioGrande Legal Aid, Director Estrella Escobar, Director Greg Sampson, and Director Dinesh Singhal.

**B. Remarks from the General Public:**

Carlos Leon of Austin addressed the board regarding a dismissed grievance.

**C. Report from the Executive Director:**

Executive Director Trey Apffel reported on travels, meetings, and activities since the April 2019 meeting. Mr. Apffel gave updates on open government and open communications, financial accountability, and member benefits and services. He presented the staff excellence award to Linzy Hill of CDC. Mr. Apffel introduced outside counsel Tom Leatherbury, who gave an update on Attorney General Opinion Request (RQ-0265-KP), *Fleck v. Wetch*, 585 U.S. \_\_\_ (2018), and *McDonald et al. v. Longley et al.*, 1:19-cv-00219, W.D. Tex. (2019). **{TAB 2}**

**D. Report from the Chair:**

Director Estrella Escobar made a motion to approve the minutes of the April 26, 2019, Board meeting and the Consent Agenda Items. Director Rudy Metayer seconded. No discussion; motion carried. **{CONSENT TAB}**<sup>1</sup>

Chair Laura Gibson thanked the Board and staff for their hard work during her term as chair. Chair Gibson reported on her recent State Bar related travels and related that there were 15 district directors who made local State Bar

<sup>1</sup> Tabbed Materials are available at [www.texasbar.com/board](http://www.texasbar.com/board)

presentations this year. She thanked the directors for taking the SBOT message to attorneys around the state. She announced the recipient of the Outstanding Third-Year Director award, Director Angelica Hernandez, and presented Director Estrella Escobar with the Public Member Award. Chair Gibson recognized TYLA Immediate Past President Baili Rhodes and Immediate Past President Tom Vick.

E. Report from the President:

President Joe K. Longley reported on his recent State Bar related travels, meetings, changes to the president-elect elections, and the general counsel evaluation. {TAB 2}

Closed Session: At 2:11 pm, the State Bar Board of Directors 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 on legal matters, including the travel request by Laws Relating to Immigration and Nationality Committee and 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); *McDonald et al. v. Longley et al.*, 1:19-cv-00219, W.D. Tex. (2019); and *Rosalinda Solis v. Interra Sky 4801 Woodway, L.L.C* (No. 2019-18261 in the District Court of Harris County); 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 2:23 pm, 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 litigation and personnel matters were discussed. No action was taken in closed session.

**In open session, President Joe K. Longley, on behalf of the Executive Director Evaluation Subcommittee, made a motion for approval of the compensation of Executive Director Trey Apffel to include a \$15,000 one-time payment. Seconded by Director Jeff Chandler. No discussion. Motion carried.**

F. Report from the President-elect:

President-elect Randy Sorrels reported on his recent State Bar related travels, the 30 Member Benefits in 30 Short Minutes presentation, an update on the Courthouse Access Badge Task Force, and the Social Media Engagement Team. {TAB 3}

**President-elect Sorrels made a motion for the Board to approve appointments to the State Bar of Texas Board of Directors' Social Media Engagement Team. Director Roe seconded. No discussion; motion carried.**

**President-elect Sorrels made a motion for the Board to approve continued authority for the Ad Hoc Submission Committee and Litigation Subcommittee to make decisions regarding *McDonald et al. v. Longley et al.* and related matters, as needed. Director Naylor seconded. No discussion; motion carried.**

**President-elect Sorrels made a motion for the Board to approve the creation of a working group on attorney succession planning issues and resources, to make recommendations to the State Bar Board for implementation. Director Wester seconded. No discussion; motion carried.**

G. Report from the Immediate Past President:

Immediate Past President Tom Vick thanked the all the directors and public members, and encouraged the incoming directors to keep their eyes on the mission statement.

H. Report from the Nominations and Elections Committee:

Immediate Past Chair Rehan Alimohammad reported that Larry McDougal of Richmond was elected President-elect elect of the State Bar after an election between McDougal and Cezy Collins of El Paso. Mr Alimohammad reported that in this election cycle, 10 new district directors were elected. {TAB 4}

I. Report from the Policy Manual Subcommittee:

Director Estrella Escobar reported that there were five items for action regarding the Policy Manual: creation of the “James E. Brill Award for Excellence in Succession Planning”; revisions to sections 9.04, 1.19.06, and 1.19.10; and the creation of a new section 3.15. {TAB 5}

**As chair of the Policy Manual Subcommittee, Director Estrella Escobar made a motion that the Board approve the proposed revisions to the Policy Manual regarding the James E. Brill Award, Texas Bar Email Accounts for directors, the Annual Meeting resolutions process, and international travel. Coming from a committee, no second was needed. No discussion; motion carried.**

**Director Dinesh Singhal made a motion for a closed session**

Closed Session: At 2:50 pm, the State Bar Board of Directors recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of discussing legal advice given to the board by our general counsel and other legal authority regarding the disqualification policy pending before the board. 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 3:13 pm, the open session of the State Bar Board of Directors meeting reconvened. During the closed session, only matters regarding legal advice concerning the policy being contemplated by the board were discussed. No action was taken in closed session.

**As chair of the Policy Manual Subcommittee, Director Estrella Escobar made a motion that the board adopt the proposed revision to the policy manual regarding disqualification from participation. Discussion ensued. President Longley called for a point of order and asked for a roll call vote. No discussion; motion carried.**

J. Report from the Commission for Lawyer Discipline Chief Disciplinary Counsel Update:

Chief Disciplinary Counsel Seana Willing reported that the deputy disciplinary counsel position was filled by Royce Lemoine. She also reported that the Supreme Court promulgated rules resulting from State Bar sunset legislation, including the reinstatement of disciplinary investigatory hearings. Since those changes, 220 investigatory hearings have been held. CDC Willing reported on discretionary referrals to CAAP, which has proven successful to resolve attorney-client issues early in the disciplinary process. She also reported on resignations in lieu of discipline, suspensions, public reprimands, private reprimands, and cases resolved through the grievance referral program. She recognized outgoing Commission members John Neil, Bruce Ashworth, and Vance Goss. {TAB 6}

K. Audit & Finance Committee:

Director Jarrod Foerster reported on the State Bar financial reports, including a general review of financial statements, and business expense reimbursement policies and procedures. {TAB 7}

**On behalf of the Audit & Finance Committee, Director Foerster made a motion to approve the Internal Audit Plan. Coming from a committee, no second was needed. No discussion; motion carried.**

L. Report from the DCAAP Subcommittee:

Director Curtis Pritchard reported that there is a technical correction to make for the record from an item approved by the board at the April board meeting. It was an item dealing with a proposed rule regarding clients with diminished capacity. {TAB 8}

**On behalf of the DCAAP Committee, Director Pritchard 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. Coming from a committee, no second was needed. No discussion; motion carried.**

M. Report from the Client Security Fund Subcommittee:

Director Lisa Richardson reported that the subcommittee met on Thursday, June 12, and reviewed 21 cases, resulting in a total disbursement of \$116,080.80. The total paid out through the fund for the year was \$650,146.

N. Report from the Administration Committee: No report.

O. Report from the Performance Measures and Strategic Planning Subcommittee:

Director Fidel Rodriguez reported that the subcommittee completed the required biannual update to the State Bar performance measures and thanked his committee members for their service.

**Director Fidel Rodriguez made a motion to approve the proposed updates to the State Bar of Texas performance measures. Coming from a committee, no second was needed. No discussion; motion carried.**

P. Report from Insurance Member Benefits Subcommittee:

Director Greg Sampson gave an update on the Texas Bar Private Insurance Exchange and non-insurance member benefits. He reported that the subcommittee has been working on a succession planning project.

{TAB 9}

**On behalf of the Insurance member Benefits Subcommittee, Director Greg Sampson made a motion that the Board approve sending a resolution requesting the Supreme Court of Texas to consider a new comment to Part XIII of the Texas Rules of Disciplinary Procedure. Coming from a committee, no second was needed. No discussion; motion carried.**

**On behalf of the Insurance member Benefits Subcommittee, Director Greg Sampson made a motion that the Board select James E. Brill as the first recipient of that James E. Brill Award for Excellence in Succession Planning. Coming from a committee, no second was needed. No discussion; motion carried.**

Q. Report from the Appeals Grant Subcommittee: No report.

R. Report from the New Directors Orientation Subcommittee:

Director Alison Colvin reported that the new directors orientation went well that morning and she thanked the NDO committee.

S. Report from the Professional Development Subcommittee:

Director Sarah Keathley reported that as of April 30, TexasBarCLE is 3% above projected net revenue with strong showings in online CLE, sponsorships, and royalties. She reported that the Supreme Court of Texas recently amended the comment to Disciplinary Rule 1.01 to reflect that remaining proficient and competent in the practice of law includes knowledge of the benefits and risks associated with technology. Director Keathley reported that TexasBarCLE rolled out a new program called Flash CLE Silver, that TexasBarBooks has launched the Texas Probate System Online, and that new editions of the Texas Civil Pattern Jury Charges volumes covering business law, and oil and gas law were released.

T. Report from the Technology Subcommittee:

Director Brad Weber reported that the Advertising Review Department and IT staff have completed testing of the back-office system and work has begun on the online web portal for the system. He also reported that telephones have been replaced at the regional offices, that staff desktop computers have been replaced, and that the annual State Bar staff training for PCI, HIPAA, Privacy, and Security has been completed.

U. Report from the Legislative Subcommittee: No report.

V. Report from the Affordable Legal Services: No report.

W. Report from the Section Representatives: No report.

X. Texas Young Lawyers Association:

TYLA President Sally Pretorius reported on various TYLA projects and activities, including: Paper Chase Competition, National Trial Competition, Shero Podcast, Diversity Tool Kit, Proud to be an American, Child

Advocacy Coloring Book, Bookshelves in Courtrooms, 25 Podcasts, Future of Legal Practice, 4-D Court Guide, Texas Housing Guide, ABA Western Summit – creating a podcast on a shoestring. She also said that TYLA approved some revised by-laws that will be presented at Annual Meeting 2019.

Y. Report from the Supreme Court:

Justice Debra Lehrmann reported that the Court was clearing its docket by the end of June, that the Court appointed a new public member to the board, and that the SBOT budget is up for consideration and approval. Justice Lehrmann reported that the legislature passed a number of bills that require the Court to invoke its rulemaking authority and that the Court approved the format of the Texas Law component of the uniform bar exam.

Z. Report from the Court of Criminal Appeals:

Judge Barbara Hervey thanked the board members for their service and continued support. Judge Hervey introduced her replacement, Judge Bert Richardson from San Antonio. Judge Hervey reported that the Court of Criminal Appeals will judge the finals of the moot court competition and thanked TYLA for all of their hard work. She reported that she will be attending the National Alliance for Mental Illness in Seattle to represent Texas.

AA. Federal Judicial Liaison:

Judge Karen Gren Scholer reported on recent federal judge confirmations, recent nominations, and nominees still waiting for confirmation.

BB. Judicial Section Liaison:

Judge Randy Clapp gave an update on newly elected judges and a pay raise for judges. The new bill that has passed both in the senate and the House does not raise the base pay of a state judge but will give judges a raise after four years. Judge Clapp thanked the board and reported that the judicial section has nominated Judge Gina Benavides to serve as chair.

Closed Session: At 4:24 pm, the State Bar Board of Directors 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 on legal matters, including the legal implications of a travel request by the Laws Relating to Immigration and Nationality Committee and 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); *McDonald et al. v. Longley et al.*, 1:19-cv-00219, W.D. Tex. (2019); and *Rosalinda Solis v. Interra Sky 4801 Woodway, L.L.C* (No. 2019-18261 in the District Court of Harris County); 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 4:40 pm, 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 litigation, personnel matters, and other confidential legal advice were discussed. No action was taken in closed session.

**Director Steve Naylor moved for adjournment and Director Rudy Metayer seconded. There being no further business, the meeting was adjourned at 4:44 pm.**