

Agenda
STATE BAR OF TEXAS
BOARD OF DIRECTORS

Wednesday, June 24, 2020 – 9:00am

*Via Telephonic Open Meeting Pursuant to Governor's March 16, 2020,
Temporary Suspension of Certain Open Meetings Provisions**

Members of the Public:

View the meeting via PC, Mac, iOS or Android Device:

www.youtube.com/statebaroftexas

Public comments will be received starting at approximately 9:15 am. To participate by providing public comment during the meeting, please email lowell.brown@texasbar.com or call (800) 204-2222, Ext. 1713 (toll free) before 5:00pm Tuesday, June 23, 2020. Please provide the agenda item number you wish to speak on.

Link to June 24, 2020, Board of Directors Agenda and Materials:

www.texasbar.com/bodmaterials

Individuals with disabilities are entitled to have access to and participate in this meeting. An individual requiring an accommodation for access to the meeting must notify the State Bar by informing Chielsey Barber at 1/800-204-2222 or 512/427-1463 (x1416) or RELAY Texas (1-800-735-2989), in writing 24 hours prior to the scheduled meeting of the necessity of an accommodation. Upon receipt of this request, the State Bar will furnish appropriate auxiliary aids and services when necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of the board meeting as nondisabled individuals enjoy.

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| 1. Call to Order | Jerry Alexander | |
| 2. Roll Call | Trey Appfel | |
| 3. Invocation | Yolanda Cortés Mares | |
| 4. Pledge to the U.S. and Texas Flags | August Harris | |
| 5. Remarks from the General Public*
<i>(Members of the public will have an opportunity to comment during the teleconference. The time allotted will be 3 minutes per individual.)</i> | | |
| 6. Report from the Chair of the Board | Jerry Alexander | (Materials) |
| A. Action: Consider, discuss and approve Consent Agenda Items | | (Consent Materials) |
| B. Discussion: | | |
| 1) General Report and Overview of the Bar Year | | |
| 2) Presentation of Outstanding Third Year Director Award | | |
| 3) Presentation of Public Member Award | | |

SBOT MISSION

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law and promote diversity in the administration of justice and the practice of law.

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7. **Report from the Executive Director** Trey Apffel **(Materials)**
A. Discussion: General Report, including overview of State Bar of Texas response, operations, and events during COVID-19 situation
B. Update on 1415 Lavaca
8. **Report from Outside Counsel** Tom Leatherbury
Discussion: Background and update on *McDonald v. Sorrels* (No. 20-50448 in the Fifth Circuit Court of Appeals) and other mandatory bar challenges, and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas)
9. **Report from the President** Randy Sorrels **(Materials)**
A. Discussion: General report, including member and public service and outreach during COVID-19 response
B. Closed Session as authorized by Texas Government Code Section 551.074 for the purpose of discussing the evaluation, duties, and compensation of the executive director and general counsel
C. End of Closed Session/Return to Open Session
Action: If needed, on items discussed in closed session
10. **Report from the President-Elect** Larry McDougal **(Materials)**
A. Discussion:
1) General report, including update on how the State Bar can help lawyers serve their clients during the coronavirus crisis
2) **Action:** Consider and discuss approval of Continued authority for the Ad Hoc Submission Committee and Litigation Subcommittee to make decisions regarding *McDonald v. Sorrels* and related matters, as needed
3) **Action:** Consider and discuss approval of creation of the Presidential Task Force on Criminal Court Proceedings regarding the resumption of criminal jury trials

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11. **Report from the Immediate Past President** Joe K. Longley
Discussion: General Report
12. **Executive Committee** (Materials)
 - A. **Nominations and Elections Subcommittee** Joe K. Longley/Laura Gibson
Discussion: Update on 2020 State Bar Elections
 - B. **Policy Manual Subcommittee** Neil Kelly
 - 1) **Discussion:** General Report
 - 2) **Action:** Consider and discuss approval of revisions of Policy Manual Sections 5.01 and 5.02.04 related to State Bar Sections
13. **Annual Meeting Resolution** (Materials)
 - A. **General Discussion** Laura Gibson
 - B. **Proposed Annual Meeting Resolution** James Lee Murphy
 - C. **Action:** Consider and discuss adoption of Annual Meeting resolution regarding a proposed constitutional amendment related to political expression
14. **Discipline & Client Attorney Assistance** (Materials)
 - A. **DCAAP Subcommittee** Steve Naylor
 - 1) **Discussion:** General Report
 - 2) **Action:** Consider and discuss approval of recommendation regarding proposed amendments to Part VII, Texas Disciplinary Rules of Professional Conduct (lawyer advertising and solicitation rules)
 - 3) **Action:** Consider and discuss approval of recommendation regarding proposed Rule 13.04 of the Texas Rules of Disciplinary Procedure (TRDP)
 - 4) **Action:** Consider and discuss approval of timeline of submission of proposed disciplinary rules to Supreme Court of Texas
 - B. **Client Security Fund Subcommittee** Bob McKnight
Discussion: General Report

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| 15. | Commission for Lawyer Discipline/Chief Disciplinary Counsel Update
Discussion: General Report | Noelle Reed/ Seana Willing | (Materials) |
| 16. | Audit and Finance Committee
A. Discussion:
1) Financial Reports and General Review of Financial Statements
2) Business Expense Reimbursement Policies and Procedures

B. Action: Consider acceptance of Quarterly Investment Report for the Quarter ending May 31, 2020 | Jarrod Foerster | (Materials) |
| 17. | Public Services and Education Committee Affordable Legal Services Subcommittee
Discussion: General Report | Shelby Jean | |
| 18. | Administration Committee
A. Administration Committee
Discussion: Update on study of potential IOLTA deposit exemption

B. Performance Measures and Strategic Planning Subcommittee
Discussion: General Report | James Wester

David Kent | |
| 19. | Member Services and Education Committee
A. Appeals-Grant Review Subcommittee
Discussion: General Report

B. Professional Development Subcommittee
Discussion: General Report

C. New Directors Orientation Subcommittee
Discussion: General Report

D. Insurance/Member Benefits Subcommittee
Discussion: General Report

E. Technology Oversight Subcommittee
Discussion: General Report | Amie Peace

Nicole Voyles

Alison Colvin

Leslie Dippel

Aldo Lopez | |
| 20. | Section Representatives to the Board Committee | Emily Miller | |

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Discussion: Sections Update

21. **Texas Young Lawyer Association** Victor Flores
Discussion: General Report
22. **Discussion:** Liaison Reports
A. Supreme Court Liaison Justice Debra Lehrmann
B. Court of Criminal Appeals Liaison Judge Bert Richardson
C. Federal Judicial Liaison Judge Xavier Rodriguez
D. Judicial Section Liaison Justice Gina Benavides
E. Out-of-State Lawyer Liaison Denise Reed Hoggard
23. **Discussion:** Report from the General Counsel Ross Fischer
24. **Discussion:** Report from the Legal Counsel John Sirman
- A. **Closed Session** as authorized by Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, including regarding all pending or any contemplated litigation (including regarding *McDonald et al. v. Sorrels et al* (No. 20-50448 in the Fifth Circuit Court of Appeals), *Rosalinda Solis v. Interra Sky 4801 Woodway, L.L.C* (No. 2019-18261 in the District Court of Harris County), *Samantha Carter v. Vuk Vujasinovic, et al* (No. 3:20-cv-01199-L-BT in the Northern District of Texas), and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas); and State Bar insurance coverage; Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin; and Section 551.074 to deliberate regarding personnel matter(s).
- B. **End of Closed Session/Return to Open Session**
- C. **Action**, if needed, on items discussed in closed session
25. **For Information Only:** End of Year Reports (Materials)
State Bar Committee and Section Reports
26. **Brief Closing Remarks by the Chair and SBOT** Jerry Alexander
Mission Statement

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27. Adjournment

If, during the course of the meeting covered by this notice, the Board should determine that a closed session of the Board should be held or is required in relation to any item included in this notice, then such closed session as authorized by Texas Open Meetings Act (Tex. Govt. Code Ch. 551) will be held by the Board at that date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the Board may conveniently meet in such closed session concerning any and all subjects and for any and all purposes permitted by Sections 551.071 – 551.084, inclusive, of the Texas Open Meetings Act.

Items on the agenda will not necessarily be discussed or considered in the order they are printed on the agenda above. Comments from the public may be taken throughout the Board meeting.

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