

OFFICIAL
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE
Tuesday, January 12, 2021 – 10:00am
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 after agenda item 2.

To sign up to speak during the meeting, please email amy.starnes@texasbar.com or call (800) 204-2222, Ext. 1706 (toll free) before 5:00pm on Monday, January 11, 2021. Please provide the agenda item number you wish to speak on.

Written comments must be received by 5:00 pm on Thursday, January 7, 2021, for timely distribution to the Executive Committee members before the meeting. Please submit written comments by email to boardofdirectors@texasbar.com.

Link to the January 12, 2021, Executive Committee Agenda and Materials:
www.texasbar.com/bodmaterials

The Executive Committee met on Tuesday, January 12, 2021, via Telephonic Open Meeting Pursuant to Governor's March 16, 2020, Temporary Suspension of Certain Open Meetings Provisions. President Larry McDougal called the meeting to order at 10:03am, and Executive Director Trey Apffel called the roll.

Present: Rebekah Brooker, Rob Crain, Alistair Dawson, President-elect Sylvia Borunda Firth, TYLA Immediate Past President Victor Flores, Chair Charlie Ginn, TYLA President Britney Harrison, Wendy-Adele Humphrey, Matthew Kolodoski*, Justice Lehrmann*, President Larry McDougal, Emily Miller*, Steve Naylor, Carmen Roe, Immediate Past President Randy Sorrels, Diane St. Yves, Michael Vasquez, and James Wester.

Excused Absence: Immediate Past Chair Jerry Alexander*

**Nonvoting member*

I. Remarks from the General Public: Tonya Parks addressed the Executive Committee.

II. REPORTS

A. Discussion: Supreme Court Liaison:

Justice Lehrmann reported that: (1) Justice Rebecca Huddle was appointed to replace Justice Paul Green; (2) the Court is continuing to work remotely; (3) the Court has issued five more emergency orders; (4) the Court created a Remote Proceedings Task Force; (5) the bar exam has been given twice and the Board of Law Examiners met to discuss how to administer the February bar exam; (6) in response to Senate Bill 2342, the Court approved amendments to the expedited action and discovery rules; and (7) in October, the Court ordered a referendum on the disciplinary rules.

B. Report from the President:

President Larry McDougal gave an update on the upcoming Rules Vote referendum, the CDRR Rules Update CLE presentations, the Council of Chairs, and his task forces. President McDougal gave an update on the Together We Dine programs that will be presented in each State Bar district. **{EXHIBIT A}**¹

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

President Larry McDougal made a motion to approve the minutes of the March 26, 2020, Executive Committee meeting. Director Rob Crain seconded. No discussion; motion carried.

C. Report from the Executive Director:

Executive Director Apffel reported that the State Bar remains fully operational with the exception of in-person meetings. Mr. Apffel reported that TLAP continues to offer COVID-19 support in addition to its usual services, and that the OCA and Supreme Court continue to remind attorneys of the COVID-19 court protocols and emergency orders. {EXHIBIT B}

D. Report from the Chair of the Board:

Chair Charlie Ginn reported that the district director letters were emailed to constituents in November; that there are five chair candidates for the upcoming Chair of the Board election; and that board will be receiving implicit bias training.

E. Report from the President-elect:

President-elect Sylvia Borunda Firth provided an update on the Diversity, Equity, and Inclusion Task Force, the Committee Review Task Force, and the Diversity Listening Session. Ms. Borunda Firth provided highlights of the proposed General Fund budget and recommended board commitments. {EXHIBIT C}

On behalf of the Budget Committee, President-elect Sylvia Borunda Firth made a motion that the State Bar's proposed budget for Fiscal Year 2021-2022 be approved for presentation to the Board and for publication in the March 2021 issue of the *Texas Bar Journal*. Coming from a committee, no second was needed. Discussion ensued; motion carried.

F. Nominations & Elections:

Immediate Past President Randy Sorrels reported on the upcoming president-elect race. {EXHIBIT D}

G. Policy Manual Subcommittee:

Director Adam Schramek gave an update on the status of the Subcommittee's work on a draft board code of conduct and its discussion of options for increased vetting of State Bar president-elect candidates.

H. DCAAP Subcommittee:

Director Steve Naylor provided an update Subcommittee's study of rules referred to it by the Board in September 2020, including ABA Model Rule 8.4(g) (which the Subcommittee declines to study further) and Texas Disciplinary Rule 5.08.

I. Client Security Fund:

Director Rob Crain reported that the Committee has reviewed 65 cases, approved 36 of the claims; and distributed \$177,977.93. He reported that the Committee chose not to change the percentage of the claims that are paid as long as the distribution comes under the maximum amount.

J. Administration Committee:

Director James Wester reported that the Performance Measures and Strategic Planning Committee has been finalizing a draft of the Strategic Plan and will present a complete report at the January board meeting.

K. Audit & Finance Committee:

Director Alistair Dawson provided an update on the general fund, the status of the internal audit, and the FY2019-20 financial audit. {EXHIBIT E}

L. Professional Development Subcommittee:

Director Rebekah Brooker reported that TexasBarCLE has converted all live seminars to webcast format through April 15, and that the new TexasBarBooks website (texasbarpractice.com) launched in October 2020.

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

- M. Insurance/Member Benefits Subcommittee: Director Carmen Roe provided updates on the Texas Bar Private Insurance Exchange and various Subcommittee projects.
- N. Legislative Policy Subcommittee:
Section Representative Emily Miller reported that the Subcommittee held its public meetings in August 2020 to consider proposals for the 2021 legislative session.
- O. Section Representatives to the Board:
Section Representative Emily Miller reported that the State Bar Sections have been participating in the Audit and Finance Committee’s multi-year audit plan and that the audit report will be presented at the April board meeting. Ms. Miller reported that the Animal Law Section has reconstituted its council.
- P. Justice in Leadership Committee Workgroup:
Director Carmen Roe reported that the Workgroup has met five times since its creation by the Board of Directors and has selected and narrowed some of the ideas into recommendations comprised of four goals to affect change. The Workgroup plans to bring a full recommendation to the board this bar year.
- Q. MCLE Committee:
Mr. John Boyce provided an update on the Committee’s work regarding whether to make implicit bias training a requirement for Texas attorneys. Discussion ensued.
- R. Texas Young Lawyers Association:
TYLA President Britney Harrison provided an update on various projects: “Evidence and Predicates Guide”, “Texas Civil Rules of Procedure”, “Guide to Garnishments”, and “Consequences of Vaping Guide”. {EXHIBIT F}
- S. Ad Hoc Committee to Select At-Large Directors:
Director Wendy Adele Humphrey reported that the Ad Hoc committee received 37 nominations, and will interview eight candidates in February. The committee will then recommend two candidates to President McDougal for his consideration.
- T. Report from General Counsel: No report.
- U. Report from Legal Counsel: No report.
- V. **Closed Session: At 11:30 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, to include discussion 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); 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). 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 11:47 am, the open session of the Executive Committee meeting reconvened. During the closed session, only matters relating to consultation with legal counsel concerning contemplated litigation were discussed. No action was taken in closed session.**
- W. **There being no further business, the meeting was adjourned at 11:47 am.**

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