

Agenda
STATE BAR OF TEXAS
BOARD OF DIRECTORS
Wednesday, June 16, 2021 – 1 p.m.

Austin Marriott Downtown
304 East Cesar Chavez St., Austin 78701
Waller Ballroom A-D

Members of the Public:
View the meeting via PC, Mac, iOS or Android Device:
www.youtube.com/statebaroftexas

Those who wish to address the board during this meeting should fill out a speaker card at the beginning of the meeting and submit it to a staff member onsite.

Written comments regarding agenda items must be received by 5 p.m. CDT on Friday, June 11, 2021, for timely distribution to the Board of Directors before the meeting. Please submit written comments by email to boardofdirectors@texasbar.com and indicate the agenda item you are referring to.

Link to the June 16, 2021, Board of Directors Agenda and Materials:
www.texasbar.com/bodmaterials

Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, the State Bar of Texas will provide reasonable modifications and equal access to communications. For assistance, please contact Jennifer Reames at (800) 204-2222 or (512) 427-1463 (extension 1415) at least two working days prior to the scheduled meeting so that appropriate arrangements can be made. Individuals with speech or hearing disabilities can contact Ms. Reames by routing through Relay Texas at phone number 7-1-1 or another designated phone number provided at relaytexas.com.

- | | | |
|----|---|----------------------------|
| 1. | Call to Order | Charlie Ginn |
| 2. | Roll Call | Trey Apffel |
| 3. | Invocation | Kathryn Murphy |
| 4. | Pledge to the U.S. and Texas Flags | Christina Davis |
| 5. | Remarks from the General Public*
<i>(Members of the public will have an opportunity to comment during the meeting. The time allotted will be 3 minutes per individual.)</i> | |
| 6. | Report from the Chair of the Board | Charlie Ginn |
| | A. Action: Consider, discuss, and approve consent agenda items | (Consent Materials) |
| | B. Presentation of Resolutions | Larry McDougal |
| | C. Discussion: | |
| | 1) General Report and Overview of the Bar Year | |

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.

Agenda – Board of Directors Meeting

Wednesday, June 16, 2021

Page | 2

- 2) Presentation of Outstanding Third Year Director Award
 - 3) Presentation of Michael J. Crowley Award
 - 4) Presentation of Public Member Award
-
7. **Report from the Executive Director** Trey Apffel **(Materials)**
Discussion: General Report

 8. **Report from Outside Counsel** Tom Leatherbury **(Materials)**
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** Larry McDougal
 - A. **Presentation of Presidential Citations**
 - B. **Discussion:** General report, including reports on task forces and workgroups **(Materials)**

 - C. Report of the Presidential Task Force on Criminal Court Proceedings Kenda Culpepper

 - D. Report of the Task Force on Public Protection, Grievance Review, and the Client Security Fund Hon. Michael Fields **(Materials)**
Action: Consider and discuss referral of Task Force report to the DCAAP Committee for review and potential recommendations to the Board

 - E. Report of the Justice in Leadership Workgroup Derek Cook **(Materials)**

 - F. Report of the Workgroup on Texas Lawyer Needs Arising From the 2020 Pandemic and 2021 Winter Storm Cindy Tisdale

 10. **Report from the President-Elect** Sylvia Borunda Firth / Joe Escobedo, Jr. **(Materials)**
 - 1) **Discussion:** General report, including report of the Diversity, Equity, and Inclusion Task Force
 - 2) **Action:** Consider and discuss approval of:
 - a. The continuation of the Diversity Equity and Inclusion Task Force, the Presidential Task Force on Criminal Court Proceedings, and the Workgroup on the Texas Opportunity & Justice Incubator through December 31, 2021
 - b. Committee Review Task Force recommendation to change the name of the Disability Issues Committee to the Disability Rights and Issues Committee

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.

Agenda – Board of Directors Meeting

Wednesday, June 16, 2021

Page | 3

11. **Report from the Immediate Past President** Randy Sorrels
Discussion: General Report
12. **Executive Committee**
A. Nominations and Elections Subcommittee Randy Sorrels / Jerry Alexander **(Materials)**
Discussion: Update on 2021 State Bar Elections
B. Policy Manual Subcommittee Adam Schramek **(Materials)**
1) **Discussion:** General Report
2) **Action:** Consider and discuss approval of:
a. Revisions to Policy Manual Sections 1.12.04 (Agenda and Minutes), 1.20.06 (Term Limitations for ABA Delegates), and 1.21.08 (Pro Bono and Legal Services Awards);
b. Revisions to Policy Manual Section 1.13 (Section Representatives to the Board Committee), and addition of Policy Manual Section 2.03.03 (Authority of Immediate Past Chair);
c. Revisions to Policy Manual Sections 2.01.07 (Selection of President-elect Candidates) and 2.01.09 (Announcement of Candidates and Scheduling of Candidate Forums); and
d. Addition of Policy Manual Section 1.26 (State Bar Board of Directors' Code of Conduct)
13. **Annual Meeting Resolution**
A. General Discussion Jerry Alexander
B. Proposed Annual Meeting Resolution Joe K. Longley **(Materials)**
C. Action: Consider and discuss adoption of proposed Annual Meeting resolution.
14. **Discipline & Client Attorney Assistance**
A. DCAAP Subcommittee Steve Naylor
Discussion: General Report
B. Client Security Fund Subcommittee Rob Crain
Discussion: General Report
15. **Commission for Lawyer Discipline/Chief Disciplinary Counsel Update** Gena Bunn / Seana Willing **(Materials)**
Discussion: General Report
16. **Audit and Finance Committee** Alistair Dawson **(Materials)**

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.

Agenda – Board of Directors Meeting

Wednesday, June 16, 2021

Page | 4

- A. Discussion:** Financial Reports and General Review of Financial Statements

 - B. Action:** Consider and discuss approval of Internal Audit Reports Darlene Brown/Liz Meyers

- 17. **Administration Committee**
 - A. Administration Committee** James Wester
 - Discussion:** General Report including update regarding its study of implicit bias training requested by the Board at its April 2021 meeting.

 - B. Performance Measures and Strategic Planning Subcommittee** Shari Goldsberry **(Materials)**
 - Action:** Consider and discuss approval of updated performance measures based on the Strategic Plan for 2021-2026

- 18. **Member Services and Education Committee**
 - A. Appeals-Grant Review Subcommittee** Andy Almanzán **(Materials)**
 - 1) **Discussion:** General Report
 - 2) **Action:** Consider, discuss, and approve recommendation of the Appeals/Grant Review Subcommittee to uphold the decision of the Texas Board of Legal Specialization to place Mr. Joe Maida IV’s criminal law certification on inactive status

 - B. New Directors Orientation Subcommittee** Deborah Cordova
 - Discussion:** General Report

 - C. Professional Development Subcommittee** Rebekah Steely Brooker
 - Discussion:** General Report

 - D. Insurance/Member Benefits Subcommittee** Amy Welborn
 - Discussion:** General Report

 - E. Technology Oversight Subcommittee** Christina Davis
 - Discussion:** General Report

- 19. **Public Services and Education Committee**
 - A. Affordable Legal Services Subcommittee** Alan Sims
 - Discussion:** General Report

 - B. Legislative Policy** Emily Miller
 - Discussion:** General Report

- 20. **Section Representatives to the Board Committee** Emily Miller
 - Discussion:** Sections Update

- 21. **Texas Young Lawyers Association** Britney Harrison **(Materials)**

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.

Agenda – Board of Directors Meeting

Wednesday, June 16, 2021

Page | 5

Discussion: General Report

22. **Discussion and Action:** Consider and discuss adoption of proposed resolution concerning the Remote Proceedings Task Force Steve Fischer (Materials)
23. **Discussion:** Liaison Reports
- A. Supreme Court Liaison Justice Debra Lehrmann
 - B. Court of Criminal Appeals Liaison Judge Kevin Yeary
 - C. Federal Judicial Liaison Judge David Morales
 - D. Judicial Section Liaison Judge Les Hatch
 - E. Out-of-State Lawyer Liaison Denise Reid Hoggard
24. **Discussion:** Report from the General Counsel Ross Fischer
25. **Discussion:** Report from the Legal Counsel John Sirman
- Closed Session:**
- A. As authorized by Texas Government Code Section 551.074 for the purpose of discussing the evaluation of the general counsel and the evaluation, duties, and compensation of the executive director. Charlie Ginn
 - B. 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), and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas)); and Texas Government Code Section 551.074 to deliberate regarding personnel matter(s).
- C. End of Closed Session/Return to Open Session**
- D. **Action:** Consider, discuss, and approve recommendations regarding compensation of the executive director Charlie Ginn
 - E. **Action,** if needed, on items discussed in closed session
26. **For Information Only:** End of Year Reports State Bar Committee and Section Reports (Materials)
27. **SBOT Mission Statement** Charlie Ginn
28. **Adjournment**

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.

Agenda – Board of Directors Meeting

Wednesday, June 16, 2021

Page | 6

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.

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.