

**OFFICIAL**  
**STATE BAR OF TEXAS**  
**BOARD OF DIRECTORS**

**Friday, April 16, 2021 – 9:00am**

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

The Board of Directors of the State Bar of Texas met on April 16, 2021, via Zoom. Chair Charlie Ginn called the meeting to order at 9:00 am, and Executive Director Trey Apffel called the roll. A quorum of voting Board members was present. Director Kate Bihm delivered the invocation, and Director Luis Cardenas led the pledges to the United States and Texas flags.

***Present:***

**Board Members:** Benny Agosto, Immediate Past Chair Jerry Alexander\*, Jeff Allison, Andy Almanzán, Chad Baruch, Kate Bihm, Rebekah Brooker, David Calvillo, Luis Cardenas, Derek Cook, Deborah Cordova, Rob Crain, Christina Davis, Alistair Dawson, Michael Dokupil, Dr. Maria Hernandez Ferrier, President-elect Sylvia Borunda Firth, Steve Fischer, TYLA Immediate Past President Victor Flores, Lucy Forbes, Chair Charlie Ginn, Marc Gravely, August Harris, TYLA President Britney Harrison, Wendy-Adele Humphrey, Michael Hurst, Yolanda Cortés Mares, President Larry McDougal, Carra Miller, Lydia Mount, Steve Naylor, TYLA President-elect Jeanine Rispoli, Carmen Roe, Adam Schramek, Mary Scott, David Sergi, Alan Sims, Jason Smith, Todd Smith, Immediate Past President Randy Sorrels, Diane St. Yves, Andrew Tolchin, Santos Vargas, Amy Welborn, James Wester, and Kim Pack Wilson.

**Liaisons\*:** Judge Les Hatch, Denise Hoggard, and Judge Kevin Patrick Yeary

**Section Representatives\*:** Carlos Cárdenas, Matthew Kolodoski, Emily Miller, and Kathryn Murphy

***Excused Absences:*** Shari Goldsberry, Justice Debra Lehrmann\*, Judge David Morales, Michael Smith\* and Michael Vasquez  
(\* denotes nonvoting)

CONSENT AGENDA ITEMS {**Exhibit A**}<sup>1</sup>:

**C1. APPROVAL OF MINUTES:**

Approval of minutes of Board meeting conducted on January 22, 2021

**C2. ITEMS FROM THE PRESIDENT:**

Approval of appointments to the following:

**a. 2021-2022 Special Committee to Nominate ABA Delegates:**

Randall O. Sorrels, *Chair* (Houston)  
Kim Askew (Dallas)  
Kelly-Ann Clarke (Dallas)  
Victor A. Flores (McAllen)  
Hon. Lora Livingston (Austin)

**b. Commission for Lawyer Discipline:**

1) for one-year terms effective September 1, 2021, through August 31, 2022:

Roberto Ramirez (Chair-McAllen)  
Magali Suarez Candler (Vice Chair-Houston)

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

2) for a three-year term effective September 1, 2021, through August 31, 2024:

Lee D. Cox (Richmond)

c. **Law Focused Education, Inc** for two-year terms effective June 1, 2021, through May 31, 2023:

Hector Beltran (El Paso)  
Sarah Cook (Rockwall)  
Beverly Nolan (Houston)  
Kathy Uhlich (Lewisville)

d. **Texas Center for Legal Ethics**, for three-year terms effective June 1, 2021, through May 31, 2024:

Stephanie Michelle Alvarado (Richardson)  
Ira Z. Miller (Corpus Christi)

e. **Texas Rio Grande Legal Aid**, for a two-year term effective January 1, 2021, through December 31, 2022:

W. Lee Keeling (Victoria)

**C3. ITEMS FROM THE PRESIDENT-ELECT:**

a. **Approval of appointments:** State Bar committees, chairs, co-chairs, vice chairs, co-vice chairs, and members to serve during the year 2021-22 bar year per State Bar Rules, Art. VIII, Section 1B

b. **Texas Bar Foundation Board of Trustees**

1) for a three-year term, effective June 1, 2021, through May 31, 2024:

Christy Amuny (Beaumont)

**C4. ITEMS FROM COMMITTEES AND SECTIONS/DIVISIONS:**

Litigation Section Updated Bylaws

**C5. OTHER ITEMS**

a. **Approval of recipients for the pro bono and indigent defense awards to be presented at the Annual Meeting:**

1) **Pro Bono Award:**

Lone Star Legal Aid (Houston)

2) **Frank J. Scurlock Award:**

Lynn Rodriguez (Fort Worth)

3) **The J. Chrys Dougherty Legal Services Award:**

Dana Karni (Houston)

4) **W. Frank Newton Award:**

SMU Dedman School of Law  
COVID-19 Legal Helpline (Dallas)

5) **Pro Bono Coordinator Award:**

Lena Engelage (Conroe)

6) **Pro Bono Support Staff Award:**

Shana Mello (Weatherford)

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

- 7) **Judge Merrill Hartman Pro Bono Judge Award:**  
Justice Gina Benavides (Corpus Christi)
- 8) **Warren Burnett Award:**  
Mark Stevens (San Antonio)
- 9) **Michael K. Moore Award for Excellence in Research or Writing in the Area of Indigent Criminal Defense:**  
Claire Buetow (Austin)

**b. Approval of recipient of the Nancy Garms Award:**

Sharon Thorne Green (Richmond)

**c. Approval of recipient of the Hon. Leon Jaworski Award for Teaching Excellence:**

Dr. James Calvi (Amarillo)

**d. Approval of Resolution honoring:**

Vic Feazell (Waco)

**e. Approval of 2021 Annual Meeting Resolutions Committee:**

**Officers:**

**Chair:** *SBOT Immediate Past Chair of the Board*

Jerry Alexander (Dallas)

**Vice-Chair:** *TYLA Chair*

Tim Williams (Amarillo)

**Secretary:** *Local Bar Leaders Committee Chair*

Hon. Mike Davis (Palestine)

**Parliamentarian:**

Charlie Ginn (McKinney)

***Alternates:***

David Rogers (Austin)

Jerri Lynn Ward (Austin)

**2021 Review Committee:**

Jerry C. Alexander (Dallas)

Robert D. Crain (Dallas)

Lucy Forbes (Houston)

Yolanda Cortés Mares (Temple)

James Wester (Amarillo)

**I. REPORTS:**

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

The Board heard oral comments from Texas attorney Bob Bennet (Houston) concerning the legislative hearings on House Bill 2393 and Senate Bill 891 regarding changes to the signature requirement for the SBOT presidential election.

**B. Report from the Chair of the Board:**

Chair Ginn asked the Board to complete their Board Committee, Section, and Standing Committee preferences survey and provided a brief update on the district director newsletters. Chair Ginn acknowledged the passing of attorney Clyde Siebman from Sherman. Chair Ginn also thanked staff member Chielsey Barber for her work at SBOT and wished her luck in her new position.

**Director Andrew Tolchin made a motion to approve the minutes of the January 22, 2021, Board meeting and the consent agenda items. Director Diane St. Yves seconded. No discussion; motion carried.**

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

President Larry McDougal presented a resolution to attorney Vic Feazell (Waco), and Mr. Feazell made remarks.

Director Steve Fischer raised a point of order to make comments pertaining to Zoom, proposing changes to the SBOT mission statement to include minorities and LGBT persons, and legislation (HB 2393 and SB 891). Chair Ginn referenced Section 1.12.04 of the Policy Manual as the proper procedure to add items to the Board meeting agenda and did not entertain further discussion on the point of order.

**Chair Ginn conducted the election of the 2021-22 Chair of the Board. By electronic vote, Director Santos Vargas (San Antonio) was elected 2021-22 Chair of the Board. Mr. Vargas made remarks. {Exhibit B}**

C. Report from the Executive Director:

Executive Director Apffel gave a general report on various items including proposed amendments to the disciplinary and procedural rules, TexasBarCLE free online courses, the virtual Annual Meeting in June, and the rescheduling of the July Bar Leaders Conference to January 2022. Executive Director Apffel provided an update on HB 2393, which he explained would change the following: 1) the number of petition signatures required to run for SBOT President-elect from 5% of the lawyer membership to a fixed number, that number being 500 signatures; 2) require the SBOT to accept electronic signatures on petitions; and 3) prohibit discrimination in SBOT elections. Executive Director Apffel also provided an update on the State Bar building and return to office planning, and the extended deadline to June 30 for the filing of Personal Financial Statements to the Ethics Commission. He recognized staff members Ellen Pitluk, Rita Alister, Chielsy Barber, Don Jones, and Brad Johnson, as well as the passing of past SBOT president Lloyd Lochridge of Austin. {Exhibit C}

D. Report from the President:

President McDougal made remarks on items including HB 2393, Lloyd Lochridge, "Together We Dine" events, TLAP, and contributions to the Sheeran Crowley Trust. Hon. Alfonso Charles provided an update on the work of the Presidential Task force on Criminal Court Proceedings. Judge Michael Fields provided an update on the work of the Task Force on Public Protection, Grievance Review, and the Client Security Fund.

**President McDougal made a motion to approve the appointment of Kelly-Ann Clarke (Dallas) for at-large director to the Board of Directors, for a three-year term effective Annual Meeting 2021 and expiring at Annual Meeting 2024. Director Rob Crain seconded. No discussion; motion carried.**

**President McDougal made a motion to approve the creation of a Workgroup on Texas Lawyer Needs Arising From the 2020 Pandemic and 2021 Winter Storm. Michael Hurst seconded. No discussion; motion carried.**

**President McDougal made a motion to approve a resolution in support of the Texas Day of Civility in the Law on September 17, 2021. Lucy Forbes seconded. No discussion; motion carried. {Exhibit D}**

The board recessed at 10:37 am and returned to business at 10:47 am.

E. Report from the President-elect:

President-elect Sylvia Borunda Firth thanked the Committees department staff members for their work and provided an update on the Diversity, Equity, and Inclusion Task Force, which has met five times since November.

**On behalf of the Budget Committee, President-elect Firth made a motion to approve the SBOT 2021-22 proposed budget for presentation to the Supreme Court of Texas. Coming from a committee, no second was needed. No discussion; motion carried.**

**On behalf of the Committee Review Task Force, President-elect Firth made a motion to accept the Committee Review Task Force report. Coming from a committee, no second was needed. No discussion; motion carried. {Exhibit E}**

F. Report from the Immediate Past President:

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

Immediate Past President Randy Sorrels gave brief congratulations to Mr. Vargas and President-elect Firth and made remarks on director outreach and the establishment of his new law firm.

G. Nominations & Elections Subcommittee:

Immediate Past Chair Jerry Alexander reported on the campaign activities of the two candidates for president-elect, Sara Dysart (San Antonio) and Laura Gibson (Houston). He noted that there are 10 district director positions that are open this year, three of which are in contested races, and the deadline to vote in the election is April 30. {Exhibit F}

H. Policy Manual Subcommittee:

Director Adam Schramek provided an update on the subcommittee's work on a Code of Conduct for officers and directors, as well as the additional vetting and selection of candidates for president-elect. Discussion ensued. {Exhibit G}

I. DCAAP Subcommittee: No report.

J. Client Security Fund Subcommittee:

Director Crain reported that the subcommittee met on April 13 and reviewed 17 cases, of which the subcommittee accepted eight claims for a total of \$37,006.01. He also reported that, to date, the Client Security Fund disbursements have totaled \$496,580.02 for the Bar year.

K. Audit & Finance Committee:

Director Alistair Dawson presented the State Bar financial reports and provided a general review of the financial statements.

**On behalf of the Audit & Finance Committee, Director Dawson made a motion to accept the Quarterly Investment Report for the period ending February 28, 2021. Coming from a committee, no second was needed. No discussion; motion carried. {Exhibit H}**

Director Dawson noted that audit representative Ms. Darlene Brown was unable to attend the Board meeting and give a report on the results of the audit. Therefore that action item will be taken up at the June Board meeting.

L. MCLE Committee:

MCLE Committee Chair John Boyce gave an update on the committee's task to study whether to make implicit bias training an MCLE requirement for Texas attorneys, as well as the possibility of categorizing mental health and substance abuse MCLE courses as eligible for legal ethics/professional responsibility credit. He noted that, after research and discussion by the committee, the committee unanimously agreed that the best option would be to offer Texas attorneys the opportunity to receive ethics credit for implicit and explicit bias and attorney wellness courses, that would fulfill the ethics course accreditation requirement. Discussion ensued from multiple directors on whether bias training should be mandatory, whether or not to accept the report as is, or to refer it to a committee for further discussion and/or amendment on the mandatory issue, or table it until the June Board meeting.

**President-elect Firth made a motion to approve the proposed amendments to MCLE Accreditation Standards. Director Crain seconded. Director Jason Smith moved for approval of an amendment to the motion, which was to refer to the Administration Committee the issue of whether implicit bias training should be mandatory, and for consideration of potential action on that particular issue at the June Board meeting. Director Crain maintained his second of the motion with the inclusion of the amendment. No further discussion; motion carried. {Exhibit J}**

M. Commission for Lawyer Discipline, Chief Disciplinary Counsel Update:

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

Commission Chair Gena Bunn reported on the work of the Commission and various statistics, noting that \$228,429 attorneys' fees revenue has been collected from the time period from June 1, 2020, to February 28, 2021. Ms. Gunn also reported on the grievance committee appointment process. {Exhibit K}

The board recessed for lunch at 12:30 pm and returned to business at 12:50 pm.

- N. Administration Committee: No report.
- O. Performance Measures & Strategic Planning Subcommittee:  
Director James Wester reported that the subcommittee plans to have updated performance measures to submit to the Board at the June meeting.
- P. Appeals-Grant Review Subcommittee:  
Director Andy Almanzán reported that the subcommittee has an upcoming appeal it will be considering on a TBLS matter, and will report on that at the June Board meeting.
- Q. New Directors Orientation Subcommittee:  
Director Deborah Cordova reported that the subcommittee held a Zoom meeting on April 13, where directors discussed the plan for the in-person orientation scheduled for June 16. She noted that there will be a total of 23 new directors, including section representatives and liaisons.
- R. Insurance/Member Benefits Subcommittee:  
Director Carmen Roe gave an update on the Texas Bar Private Insurance Exchange, noting that a customer satisfaction survey is currently in process, and that a special enrollment period for health insurance began on February 15 and has been extended until August 15. The subcommittee is also working on benefit program marketing and enhancing awareness.
- S. Professional Development Subcommittee:  
Director Steve Naylor reported that the subcommittee will meet jointly with the CLE Committee on May 7 via Zoom to discuss topics for CLE and publications and to hear staff reports. He also reported on the steps being taken to resume in-person CLE events, Texas Minority Counsel program planning, and TexasBarBooks meetings.
- T. Section Representatives to the Board Committee:  
Section Representative Emily Miller reported on CLE programming for Sections and the safe path back to live meetings and programming, and thanked the Sections department staff members for their help on this.
- U. Legislative Policy Subcommittee:  
Ms. Miller reported that there are six SBOT Sections – Business Law, Entertainment and Sports Law, Family Law, Juvenile Law, LGBT Law, and Real Estate Probate and Trust Law – that have legislation included in the SBOT 2021 legislative package, and that the Juvenile Law Section decided not to file its bill. There are approximately 45 days remaining in the current legislative session and more than 7,000 total bills were filed. Ms. Miller reminded the Board to subscribe to the weekly legislative update e-newsletter, the Friday Update, and thanked the Governmental Relations department staff members for their continued service. There was no action taken on this item.
- V. Justice in Leadership Workgroup:  
Director Carmen Roe reported that the Workgroup has met several times since its creation and has split into two subcommittees to focus on four goals to affect change in the Board and SBOT. Those four goals are as follows: 1) setting standards for directors and officers pertaining to race, bias, racism and diversity; 2) setting standards for directors regarding the way they conduct themselves in public forums; 3) soliciting comments from the Nominations & Elections Subcommittee regarding presidential candidates; and 4) reviewing the SBOT Office of Minority Affairs' office programs and goals.
- W. Texas Young Lawyers Association:

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TYLA President Britney Harrison provided an update on the following TYLA projects: 1) 46<sup>th</sup> Annual National Trial Competition which was held virtually; 2) conducting a statewide week of pro bono service by answering questions on the Texas Legal Answers website; 3) Women in Legal History project; 4) Racial Justice Hub project resources; and 5) Leadership Tool Kits. {**Exhibit L**}

X. Texas Bar Foundation:

Shannon Dacus gave background on the Texas Bar Foundation and noted that, despite the pandemic and thanks to the nominating chairs across the state, the Bar Foundation has invited and welcomed 410 new members this year. The Bar Foundation will be hosting its 2021 annual dinner in person on June 18 in Fort Worth, and she announced the 2021 Bar Foundation winners. Ms. Dacus reported on the following grants the Bar Foundation has given this year: 1) TYLA's Women in Legal History project; 2) Lone Star Alliance Survivors project; 3) Greater Waco Legal Services School Legal Partnership; and 4) Lone Star Legal Aid's Eviction Right to Counsel.

Y. Liaison Reports:

Supreme Court Liaison Justice Debra Lehrmann was not present and thus had no report. Court of Criminal Appeals Liaison Judge Kevin Yeary reported that the Court met for conferences in person on March 1, 8 and 15 and then returned to remote conferencing and arguments for now. Judge Yeary also made remarks on the passing of Judge Cathy Cochran. Federal Judicial Liaison Judge David Morales was not present and thus had no report. Judicial Section Liaison Judge Les Hatch reported that the primary focus of the Judicial Section has been the legislative session and bills that affect the judiciary in some manner. Judge Hatch noted that jury trials are returning in Lubbock while employing best practices for social distancing and mask wearing. Out-of-State Lawyer Liaison Denise Reid Hoggard reported on inclusivity and the importance of the appointment of liaisons to the Board, and thanked the Board for making her feel welcome during her time on the Board.

Z. Report from General Counsel: No report

AA. Report from Legal Counsel:

- 1) Closed Session: At 1:25 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, 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) and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas); and Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin. 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.
- 2) Open Session: At 2:45 pm, the open session of the State Bar Board of Directors meeting reconvened. During the closed session, only matters relating to seeking advice of board counsel 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) and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas); and Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin were discussed.

**There being no further business, a motion to adjourn was made by Director Steve Naylor and seconded by Director August Harris. The meeting was adjourned at 2:49 pm.**

**Exhibits referenced in these minutes are available online at [texasbar.com/board](http://texasbar.com/board)**

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