

***Agenda***  
**STATE BAR OF TEXAS**  
**BOARD OF DIRECTORS**  
**Friday, September 24, 2021 – 9 a.m.**

**St. Anthony Hotel**  
300 E. Travis St., San Antonio, TX 78205  
Anacacho Ballroom

The presiding officer and other directors will be physically present at the meeting location listed above and certain directors will participate remotely according to the requirements of Texas Government Code Sec. 551.127.

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

**Public comments will be received under agenda item 5.**

Those who wish to address the board in-person during this meeting should fill out a speaker card at the beginning of the meeting and submit it to a staff member onsite. To sign up to speak remotely, please email [amy.starnes@texasbar.com](mailto:amy.starnes@texasbar.com) or call (800) 204-2222, Ext. 1706 (toll free) before 5 p.m. CDT on Thursday, September 23, 2021. Please provide the agenda item number you wish to speak on.

Written comments regarding agenda items must be received by 5 p.m. CDT on Wednesday, September 22, 2021, for timely distribution to the Board of Directors before the meeting. Please submit written comments by email to [boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com) and indicate the agenda item you are referring to.

Link to the September 24, 2021, Board of Directors Agenda and Materials:  
[www.texasbar.com/bodmaterials](http://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 Debbie Garcia at (800) 204-2222 or (512) 427-1463 (extension 1416) 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](http://relaytexas.com).**

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|--|-------------------------|--------------------|
| 1. <b>Call to Order</b>  | Santos Vargas           |                    |
| 2. <b>Roll Call</b>  | Trey Apffel             |                    |
| 3. <b>Invocation</b>   | Maria Hernandez Ferrier |                    |
| 4. <b>Pledge to the U.S. and Texas Flags</b>   | Robert Tobey            |                    |
| 5. <b>Remarks from the General Public*</b><br><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. <b>Report from the Chair of the Board</b>   | Santos Vargas           | <b>(Materials)</b> |
| <b>A. Action:</b> Consider, discuss, and approve consent agenda items  |                         |                    |
| <b>B. Presentation of Resolutions</b>  | Sylvia Borunda Firth    |                    |

**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.

**C. Discussion:** General Report

**D. Solicitation of candidates to serve as Chair of the 2022-23 Board of Directors**

7. **Report from the Executive Director** Trey Apffel **(Materials)**  
**A. Discussion:** General Report
8. **Report from the President** Sylvia Borunda Firth **(Materials)**  
**A. Discussion:** General Report, including update on presidential initiatives  
**B. Discussion:** Updates on task forces on Diversity, Equity, and Inclusion and Criminal Court Proceedings, and the Workgroup on the Texas Opportunity and Justice Incubator  
1) **Action:** Consider and discuss approval of forwarding a resolution regarding trial safety measures from the Task Force on Criminal Court Proceedings, to the Office of Court Administration for consideration.  
**C. Action:** Consider and discuss approval of the creation of a Redistricting Task Force, including approval of its roster  
**D. Action:** Consider and discuss approval of the creation of a Building Planning Special Committee, including approval of its roster, and grant authority to the committee to work with State Bar staff regarding decisions on remodeling, repairs, and uses of the 1415 Lavaca Building  
**E. Discussion:** Update regarding Texas Lawyers for Texas Veterans Terry Tottenham
9. **Report from the President-Elect** Laura Gibson  
**A. Discussion:** General Report  
**B. FY 2022-23 Budget Committee Update**
10. **Report from the Immediate Past President** Larry McDougal  
**Discussion:** General Report
11. **Commission for Lawyer Discipline/Chief Disciplinary Counsel** Bobby Ramirez/  
Seana Willing **(Materials)**  
**Discussion:** General Report
12. **Executive Committee** **(Materials)**  
**A. Nominations & Elections Subcommittee** Charlie Ginn/Larry  
McDougal  
1) **Discussion:** General Report  
2) **Action:** Consider and discuss approval of the candidates

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for 2022-23 SBOT President-elect

**Jose “Joe” Escobedo Jr. (Edinburg)**

**Cindy V. Tisdale (Granbury)**

- 3) Remarks from candidates
- 4) **Action:** Consider and discuss approval of proposed amendments to Board Policy Manual pertaining to electronic signatures
- 5) **Action:** Consider and discuss approval of proposed amendments to Board Policy Manual pertaining to principal place of practice

**B. Policy Manual Subcommittee**

Adam Schramek

**(Materials)**

- 1) **Discussion:** General Report
- 2) **Action:** Consider and discuss approval of revision to Board Policy Manual Section 8.02.02(E), relating to the filing of amicus briefs

13. **Discipline & Client Attorney Assistance**

**A. DCAAP**

Diane St. Yves

**(Materials)**

- 1) **Discussion:** General Report, including update on the referral to DCAAP of the report and recommendations of the Task Force on Public Protection, Grievance Review, and the Client Security Fund
- 2) **Action:** Consider and discuss approval of proposed Rule 1.18 of the Texas Disciplinary Rules of Professional Conduct, pertaining to duties to prospective clients
- 3) **Action:** Consider and discuss approval of proposed Rule 13.05 of the Texas Rules of Disciplinary Procedure, pertaining to the termination of a custodianship for the cessation of practice

**B. Client Security Fund**

Kate Bihm

**Discussion:** General Report

14. **Audit & Finance Committee**

David Calvillo

**(Materials)**

**A. Discussion:**

- 1) Financial Reports and General Review of Financial Statements
- 2) Financial and Internal Audits

**B. Investment Overview**

Nelson Bush

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**C. Action:** Consider and discuss approval of:

- 1) State Bar’s quarterly investment report for May 2021
- 2) Texas State University PFIA online training as Public Funds Investment Act trainers
- 3) The adoption of the PFM Broker/Dealer List for investments
- 4) The adoption of the State Bar of Texas investment policy

15. **Administration Committee**

Rebekah Steely Brooker (Materials)

**A. Administration Committee**

- 1) **Discussion:** General Report
- 2) **Action:** Consider and discuss approval of referral of recommendations from the State Bar Administration of Rules of Evidence Committee regarding Texas Rules of Evidence 404(b) and 601(b), to the Supreme Court of Texas for consideration

**B. Litigation and Contracts Subcommittee**

Mary Scott

**Discussion:** General Report

**C. Facilities & Equipment Subcommittee**

Yolanda Cortes Mares

**Discussion:** General Report

16. **Member Services & Education Committee**

Todd Smith

**A. Appeals-Grant Review Subcommittee**

- 1) **Discussion:** General Report
- 2) **Action:** Consider and discuss approval of recommendation of the Appeals-Grant Review Subcommittee to uphold the decision of the Texas Board of Legal Specialization denying the applications of Mr. Howard M. Kahn for Civil Trial Law and Estate Planning and Probate Law specialization

**B. Professional Development Subcommittee**

Luis Cardenas

**Discussion:** General Report

**C. Insurance/Member Benefits Subcommittee**

Christina Davis

**Discussion:** General Report

17. **Public Services & Education Committee**

**Affordable Legal Services**

Jason Smith / (Materials)  
Andrea Marsh

**A. Discussion:** General Report

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**B. Action:** Consider and discuss approval of updates to the Performance Guidelines for Non-Capital Criminal Defense Representation, from the State Bar Legal Services to the Poor in Criminal Matters Committee

18. **Section Representatives to the Board Committee** Kathryn Murphy  
**Discussion:** General Report
19. **Texas Young Lawyers Association** Jeanine Novosad Rispoli **(Materials)**  
**A. Discussion:** General Report  
**B. Action:** Consider and discuss approval of recommended changes to the TYLA membership structure  
**C. Action:** Consider and discuss approval of request to the Supreme Court of Texas to amend the State Bar Rules regarding the TYLA membership structure
20. **Action:** Consider and discuss approval of resolution regarding remote participation in court hearings Steve Fischer **(Materials)**
21. **Discussion: Liaison Reports**  
**A. Supreme Court Liaison** Justice Debra Lehrmann  
**B. Court of Criminal Appeals Liaison** Judge David Newell  
**C. Judicial Section Liaison** Judge Elisabeth Earle  
**D. Federal Judicial Liaison** Judge Michael Truncale  
**E. Out of State Lawyer Liaison** Rakhi Israni
22. **Discussion: Report from General Counsel** Ross Fischer
23. **Discussion: Report from Legal Counsel** John Sirman **(Materials)**  
**A. Closed Session** as authorized by Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, including regarding pending or contemplated litigation, including *McDonald v. Longley* (No. 20-5448, 4 F.4th 229 (5th Cir. 2021); No. 1:19-cv-219-LY (W.D. Tex.)) and *Bennett v. State Bar of Texas* (No. 4:21-cv-02829 (S.D. Tex.)), and Section 551.074 to deliberate regarding personnel matter(s)  
**B. End of Closed Session/Return to Open Session**  
**C. Action:** Consider and discuss approval of proposed changes to the State Bar Rules and Policy Manual, including regarding membership and enrollment in the State Bar, the budgeting process, and the expenditure objection process  
**D. Action,** if needed, on other items discussed in closed session

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- 24. **For Information Only:** State Bar Committees Projects and Objectives Report **(Materials)**
- 25. **SBOT Mission Statement** Santos Vargas
- 26. **Adjourn**

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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