

State Bar of Texas
Standing Committee Projects and Objectives
2022-2023

Administration of Rules of Evidence

- Considering whether the TRE should be amended to add a privilege for domestic violence and sexual assault survivors
- Examine TRE 606 regarding exceptions to a juror's competency as a witness
- Examine whether the TRE should adopt a residual hearsay exception similar to FRE 807
- Consider whether TRE 614 should be amended to ensure the disclosure of testimony to witnesses is prohibited during trial
- Continue revisions to TRE 509 and 510 to ensure conformity with existing statutory privileges
- Consider whether TRE 901(b)(8)(c) regarding the authentication of ancient documents should be amended to be consistent with AREC's recent recommendation on TRE 803(16), or whether the two provisions serve different purposes and no amendment should occur for authentication rules
- Continue liaising with the court rules committee concerning matters that overlap the TRE and TRCP as needed, including with a potential audit-letter work product privilege
- Continue monitoring the FRE and other state evidentiary rules to determine whether any amendments to the TRE should be recommended

Continuing Legal Education

- Throughout 2021 and into the first two months of 2022, the constantly mutating variants of COVID-19 caused TexasBarCLE to vacillate between holding our courses entirely on online webcasts, then transitioning to a blend of online webcasts and live courses when local COVID conditions permitted. The COVID situation has improved considerably and TexasBarCLE has successfully held all its regularly scheduled courses in person since March 2022. The Committee supports in-person programming as a means of fostering collegiality and professional networking opportunities while recognizing that not all lawyers are comfortable attending programs in person. Going forward, TexasBarCLE will offer scheduled webcast replays of all courses to provide an online option. Thus, 2022-23 will be a bar year in which our committee seeks to meet the needs of our registrants for quality CLE programming and publications by providing multiple format options to serve all Texas lawyers.

Court Rules

- Revisions to Rule 194
- Revisions to Rule 21
- Continual work on Implicit Bias Instruction (through SCAC)
- Review of Certificate of Conference Requirements for Mtns to Quash Depositions
- Other items as determined by the Committee

Disability Rights & Issues

- Legal Education Subcommittee: (1) Connect to law students in order to inform students of accommodations available in the classroom and on examinations as well as to inform the student of the SBOT DRIC Mentorship program. (2) Create a CLE for ad litem lawyers in CPS cases to address communications and other accommodations for hearing-impaired children.
- Public Education Subcommittee: Develop a speakers bureau of people available to speak on disability rights and issues.
- Courthouse Accessibility Subcommittee: Print and disseminate the courthouse guide developed over the last couple of years.

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- Conquering Disabilities Mentorship Program Subcommittee: Create an infrastructure for the mentorship program listed on the bar website and build awareness of the program within the legal community.

Diversity in the Profession

- Texas Minority Program ("TMAP") event to be held in Houston
- Texas Minority Law Student Program ("TMLS") events in two Texas cities
- Submit articles to the Texas Bar Journal
- Apply for the Texas Bar Foundation Grant, request Bar Prep Course Donations, and research other grants for the Bar Prep Scholarship program
- Increase participation in K-12 Outreach and partnership with local bar associations
- Create outreach partnership programs with colleges to focus on legal career opportunities

Jury Service

- Coordinate and facilitate jury appreciation week festivities
- Write juror bill of rights article for bar journal
- Educate jurors on jury scams
- Partner with and coordinate with other committees
- Publish be a juror PSA's

Law Focused Education

- Legal Beagle-The Committee will create a new children's book for elementary students to educate them about the criminal justice system and the roles of attorneys and judges through the use of a mock trial about a missing diamond dog collar.
- Constitution Day Attorney Project-The Committee will pair attorneys and judges with classrooms of eager students wanting to ask questions about the legal profession and the civil and criminal justice system. This project is a joint project between the committee and the U.S. District Courts of Texas.
- Launch Our Amendments: A Look at the Additions Which Continue to Shape Our Nation video series.
- Texas Citizen Bee Competition- Committee will promote the Texas Citizen Bee Competition in their communities. The Committee may serve as support personnel for the 2023 regional competitions starting in February 2023.
- The Committee will serve as a welcome speaker at LRE workshops and institutes.

Laws Relating to Nationality and Immigration

- Meet with Customs and Border Protection and Immigration and Customs Enforcement to obtain information regarding adjudication/enforcement trends and processes, particularly addressing travel restrictions, waivers, and requirements, asylum claims; border issues, etc.
- Meet with Dept of State consular officers and USCIS to obtain information regarding consular and adjustment practices, adjudication trends, and changed procedures addressing covid19 delays.
- Communicate timely with entire State Bar membership regarding our findings and other helpful immigration information learned from any trips or meeting with government agencies.

Lawyers' Assistance Program

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- Explore collaboration with local bars to start a Docket Support Database identifying attorneys that can help take cases from attorneys struggling with mental health challenges who need to attend their mental health.
- Statewide TLAP Volunteer trainings: Dallas, Austin, Houston, Lubbock, San Antonio, El Paso, Tyler, Beaumont, Mc Allen.
- Engagement of existing TLAP Volunteers.

Legal Services to the Poor in Civil Matters

- SBOT Section reports on pro bono service hours or cash/scholarships given.
- Pro bono pitch during CLE introductions.
- Encourage law student participation in pro bono.
- Study and report on those area of practice with participation gaps.
- Take actions to expand lawyer participation with Prime Partner banks.
- Class action cy pres awards - secure commitments from lawyers who regularly do class actions to secure funds.
- Promote LSC video about unmet needs and legal services at local bar events or produce a similar video about unmet needs and legal services in Texas.
- Medical-Legal Partnerships (MLP) - movement toward improving healthcare services that cross over into legal aid services.
- Publicize the TAJF Legacy Fund, which is supported by leftover funds that were raised in election campaigns and donated to the Fund when people leave public office.

Legal Services to the Poor in Criminal Matters

- We are working on court costs for indigent defendants and the ability to pay inquiry.
- We are also working on "legal deserts" in rural parts of the state where there are few defense attorneys available.

Local Bar Services

- The Local Bar Services Committee continues the process of returning to our pre-pandemic schedule of committee events. Our traditional goals include:
 1. Hosting a successful and informative Bar Leaders Conference;
 2. Improving and updating the Stars of Texas Bars Awards program;
 3. Creating a strong presence among local bar associations;
 4. Soliciting more involvement by minority bar associations and TYLA;
 5. Reducing committee expenses; and
 6. Increasing local bar participation in Law Day.

Minimum Continuing Legal Education

- The committee will discuss and analyze options regarding the honor system for attorney self-reporting attendance for on-line or virtual attendance. (With the change in technology, sponsors are able to track attendance). Staff have received a noticeable uptick in requests to delete attendance because the attorney was in fact not in attendance.
- Once the change in Regulations (live online courses are eligible for individual application by attorneys) is approved by the Board of Directors, the committee will discuss and analyze a policy change regarding refunds for attorneys that apply to deliver on-demand courses. The application

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process and refunds take considerable Staff time and resources. Committee to look at not refunding application fees to attorneys that apply for on-demand courses.

- The Texas Supreme Court has asked to change the wording of Section 5.2 of the MCLE Regulations regarding the Judicial Exemption. The Supreme Court orders are decades out of date.

Pattern Jury Charges – Business, Consumer, Insurance, and Employment

- The PJC Business Committee will spend the first part of the year completing materials to be included in the 2022 PJC volume, which will be published later this year. The committee will work with the PJC Oversight committee as needed to finalize materials. The committee is currently collaborating with the PJC Oil and Gas volume on a comprehensive update to the contracts charges that will be included in the 2022 editions. The committee is also finalizing updates on employment charges to reflect new statutory law. The committee has worked closely with the other drafting volumes and the Oversight committee to complete updates to materials appearing in more than one volume, including the exemplary damages charges and the discussion on proximate cause. Following the completion of these updates and the publication of the 2022 edition, the committee will spend the rest of the year beginning to develop updates and new materials for the 2024 edition. This will include monitoring legislation from the 2023 session and considering which charges will need updating following the session. The Committee also intends to submit appointment recommendations for the next Bar year and will complete the Bar's Committee Appointment Recommendation Worksheet in December. In addition to the meeting dates indicated below, a two-day April meeting to complete the committee's work for the year will also be scheduled.

Pattern Jury Charges – Criminal

- The Committee will update existing charges, add new instructions, and continue to spread the word among practitioners about our jury instructions. The Committee hopes to go live with its online-only product in the next year.

Pattern Jury Charges – Family and Probate

- The 2024 edition of the PJC - Family & Probate volume will be published in early 2024. Changes will reflect statutory revisions enacted during recent legislative sessions and may include new provisions for juries to place geographic restrictions on sole managing conservators, a revised charge asking whether grounds for divorce exist, and PJCs for breaches of fiduciary duties between spouses. The Committee is also working on a new charge for contempt of court in cases where the defendant has a right to a jury.

Pattern Jury Charges – General Negligence, Intentional Personal Torts & Workers Compensation

- Finalize remaining items for 2022 publication including but not limited to completing the review of citations to ensure accuracy and correctness.
 - a. Incorporate non-substantive corrections into the 2022 publication.
 - b. Set up subcommittees to further review potential substantive changes for future publication.
- Monitor case law & statutory developments, which may lead to additional specific objectives being added.
- Continue collaboration with other PJC Committees on joint matters of interest.

Pattern Jury Charges – Malpractice, Premises, & Products

- The Committee will update the volume to reflect recent legislative changes and case law developments. The 2024 edition will see completely revised charges for cases where plaintiffs seek

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to "bust" the normal caps on exemplary damages. In addition, the committee plans to update the comments to the main personal injury question to reflect periodic payments that can be awarded for health care liability claims, as well as the comments to the proximate cause instruction, actions against attorneys, inferential rebuttals, and other topics.

Pattern Jury Charges – Oil and Gas

- The PJC Oil and Gas Committee will focus the first part of this year completing work on its 2022 edition to be published in early 2023. The committee has been working closely with the Oversight committee and the other civil volumes on updates to be completed for the next edition. In collaboration with the General Negligence committee, the committee is drafting comprehensive updates to damages materials relating to improper use of real property and is completing new nuisance charges. Additionally, the committee has been working closely with the PJC Business committee to complete updates to the contracts materials that are included in both volumes. The committee is also drafting updates on charges relating to lessor-lessee issues. The committee will continue work on these materials and will work with the Oversight committee on final approval. Following the publication of the 2022 edition, the committee will begin developing materials for inclusion in the 2024 edition and will begin a thorough review of current charges to consider where updates are needed due to new statutory or case law. The committee will continue to work with Oversight and the other civil drafting committees as needed on issues impacting multiple volumes.

Pattern Jury Charges – Oversight

- The PJC Oversight committee will spend the first part of this year working with the drafting committees to complete work for the 2022 volumes, which will be published later this year. The committee has been working with the drafting committees on several on-going projects, including updates to the nuisance and corresponding damages charges (PJC Oil and Gas and PJC General Negligence), a major contracts update (PJC Business and PJC Oil and Gas), revisions on inferential rebuttal and physical impairment (PJC Malpractice and PJC General Negligence), and updates to the discussion on proximate cause (all volumes). The Oversight committee has also supported the work of a cross-volume subcommittee making comprehensive updates to the exemplary damages charges. Additionally, the committee has been reviewing updates to materials prepared by each of the civil drafting committees and the PJC Criminal committee. These materials will all be finalized during the first part of the year for publication in the 2022 volumes, which will include the online launch of the PJC Criminal volume. Following the completion of the 2022 editions, the committee will begin working with the drafting committees to develop materials and consider updates for the 2024 editions.

Professionalism

- Our committee will continue to work on the yearly day of civility that is already in the works for 2022. We will also spend a great deal of time this year working on how to address our mentoring network shortfalls. Our goal is to work closely with TYLA and try and find a way to create a new program that will be useful to both new lawyers entering the profession and attractive more experienced lawyers willing to share of their experiences to make the transition to practice a smooth one.

Public Affairs

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- Plan, promote, and host the Open Government Seminar at Annual Meeting, which is free and open to the public and members of the media.

Real Estate Forms

- The committee's task this year is to prepare materials for a supplement to the Texas Real Estate Forms Manual for publication in the spring of 2023. The focus of the 2022-2023 Real Estate Forms Committee will be to review each chapter for accuracy, revise forms based upon changes to the law enacted by the 87th Legislature or recent appellate court decisions, update Additional Resources with new CLE articles, and add new forms. The Committee will develop a series of 10-15 minute video presentations using key chapters, documents forms and concepts in the Manual to enhance the electronic version of the manual.

***Texas Bar Journal* Board of Editors**

- Continue to provide members with valuable information about the legal profession and trends, including rules changes expected completion date is May 31, 2023;
- Continue to inform members of the State Bar and public that the Texas Bar Journal is available in print, on the State Bar's website, and in a digital format expected completion date is May 31, 2023; and
- Explore options to provide more diverse content expected completion date is May 31, 2023.

Women in the Profession

- The theme for this year's Women in the Profession Committee will be: Moving Forward: How Women in the Profession can Stay Visible with Clients, their Firm, and in the Legal Community.
- Post-Covid, WIP will focus on developing new ideas and new energy. Using data from our Covid Impact Survey, as well as the ABA's Practice-Forward Survey, we will focus on resources and tools we can provide to women in the profession to increase our visibility, individually and collectively. These tools will build on prior networking events, publications, resources, speaking engagements, and continued professional service.