

DRAFT
MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
Wednesday, June 8, 2022 – 1:00 p.m. CDT

Marriott Marquis
1777 Walker St.
Houston, TX 77010
Houston Ballrooms 6 & 7

A. Call to Order at 1:05 p.m. CDT from the Chair of the Board Santos Vargas

B. Roll Call from the Executive Director Trey Apffel

Present:

Benny Agosto, Andy Almanzán, Chad Baruch, Kate Bihm, Rebekah Steely Brooker, David Calvillo, Luis Cavazos, Jason Charbonnet, Kelly-Ann Clarke, Thomas Crosley, Judge Elisabeth Earle*, President Sylvia Borunda Firth, Steve Fischer, Lucy Forbes, President-elect Laura Gibson, Immediate Past Chair of the Board Charlie Ginn*, August Harris, TYLA Immediate Past President Britney Harrison, Forrest Huddleston, Michael Hurst, Lori Kern, Bill Kroger, Dwight McDonald, Immediate Past President Larry McDougal, Lydia Mount, Kimberly Naylor, TYLA President Jeanine Rispoli, TYLA President-elect Michael Ritter, Adam Schramek, Audie Sciumbato, Mary Scott, David Sergi, David Smith, Todd Smith, Diane St. Yves-Brewer, Nitin Sud, Robert Tobey, Andrew Tolchin, Chair of the Board Santos Vargas, Michael Vasquez, Kimberly Pack Wilson, and Kennon Wooten.

Liaisons*: Rakhi Israni, Justice Debra Lehrmann, and Judge Michael Truncale.

Section Representatives*: Carlos Cardenas, Deborah Cordova, Bob Goss, Sonya Hoskins, Kathryn Murphy, and Michael Smith.

Excused Absence: Luis Cardenas, Christina Davis, Yolanda Cortes Mares, Carra Miller, Judge David Newell*, Jason Smith

C. Invocation by Director Benny Agosto

D. Pledge to the U.S. and Texas Flags by Director Kim Naylor

E. Remarks from the General Public

Members of the public were given the opportunity to comment during the meeting. There were no remarks from the public.

F. Supreme Court of Texas Liaison

Justice Debra Lehrmann provided an update regarding recent activities of the Supreme Court of Texas.

G. Report from the Executive Director Trey Apffel

Executive Director Apffel reported on the Bar's achievements over the last year. Virginia Izaguirre was presented the Staff Excellence Award.

H. Report from the Chair of the Board Santos Vargas

Director Tom Crosley made the motion to approve the consent agenda items. Seconded by Director David Calvillo. No discussion; motion carried.

Directors Andrew Almanzán and Adam Schramek received the Outstanding Third Year Director Award.

Director Michael Vasquez received the Public Member Award.

I. Report from President Sylvia Borunda Firth

President Borunda Firth presented Presidential Citations to Roland & Cindy Johnson and to Punam Kaji and a Presidential Commendation in honor of Past President Cullen Smith Jr. President Borunda Firth discussed accomplishments during the Bar year and provided an update on the Building Planning Special Committee.

President Borunda Firth made a motion to approve the continuation of the Building Planning Special Committee, including approval of its roster, and grant authority to the committee to work with the State Bar staff regarding decisions on remodeling, repairs, and uses of the 1415 Lavaca building. Seconded by Director Andrew Tolchin. No discussion; motion carried.

J. Report from President-elect Laura Gibson

President-elect Gibson reported on the work of the Budget Committee, the Texas Supreme Court's approval of the 2022-2023 budget, and additional budget related issues.

K. Report from Immediate Past President Larry McDougal

Immediate Past President McDougal reported on accomplishments during his presidency and provided farewell remarks.

L. Executive Committee

a. Nominations & Elections Subcommittee

Immediate Past Chair Charlie Ginn and Immediate Past President Larry McDougal provided a report on the 2022 State Bar Elections.

b. Policy Manual Subcommittee

Director Adam Schramek updated the Board regarding the creation of the Diversity, Equity, and Inclusion standing Committee.

Director Adam Schramek made a motion to approve the resolution creating the Diversity, Equity, and Inclusion standing committee, as included in the Board materials, which amends Part IV of the Board Policy Manual and provides that the 2022-2023 President submit a roster of proposed committee members for approval by the Board at its September 2022 meeting. Coming from a committee, no second was needed. Discussion ensued. Motion carried.

M. Audit & Finance Committee

Director David Calvillo reported on the financial reports and gave a general review of financial statements.

N. Administration Committee

Performance Measures & Strategic Planning

Director Michael Hurst provided a general report on the subcommittee and the upcoming strategic planning retreat scheduled for July 21, 2022.

O. Discipline & Client Attorney Assistance Committee

Client Security Fund Subcommittee

Director Kate Bihm reported that the subcommittee has paid out a total of \$147,385.14 for the Bar year 2021-2022.

P. Member Services & Education Committee

a. New Directors Orientation Subcommittee

Director Kimberly Pack Wilson provided a general report on the 2022-2023 New Directors Orientation.

b. Professional Development Subcommittee

Director Michael Hurst provided a general report on Texas Bar CLE events and revenue, Texas Minority Counsel Program, and Texas Bar Books. Director Hurst recognized Texas Bar Books publications attorney Sue Mills who celebrated 50 years as a licensed Texas attorney.

c. Technology Oversight Subcommittee

Director Andrew Tolchin stated there was no report to be given.

Q. Section Representatives to the Board

Director Kathryn Murphy provided a general report and a report on the May 16 Council of Chairs meeting.

R. Commission for Lawyer Discipline/Chief Disciplinary Counsel

CFLD Chair Bobby Ramirez provided a review of disciplinary statistics for the 2021-2022 year.

S. Texas Young Lawyers Association

TYLA President Jeanine Novosad Rispoli reported on 2021-2022 project accomplishments and award winners.

T. Liaison Reports

a. Court of Criminal Appeals Liaison

No report was given.

b. Judicial Section Liaison

Judge Elisabeth Earle reported on the Judicial Section April retreat and provided a general report.

c. Federal Judicial Liaison

Judge Michael Truncale provided a general report.

d. Out of State Lawyer Liaison

Director Rakhi Israni provided a general report, which provided updates regarding the State Bar of California.

U. General Counsel

No report was given by General Counsel Ross Fischer.

V. Legal Counsel

No report was given by Legal Counsel Brad Johnson/Chris Ritter.

Closed Session: At 3:47 p.m., the State Bar Board of Directors recessed the open meeting and reconvened in closed session 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; 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. Firth* (No. 21-800, 142 S. Ct. 1442 (2022); 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 regarding requests from Joe Longley and Marc Gravely for documents from Vinson & Elkins related to the *McDonald* litigation; and as authorized by Texas Government Code Section 551.074 to deliberate regarding personnel matter(s).

Open Session: At 4:30 p.m., the open session of the State Bar of Texas Board of Directors meeting reconvened. During the closed session, only matters relating to the following were discussed: consultation with legal counsel regarding pending or contemplated litigation, including *McDonald v. Firth* and *Bennett*

v. State Bar of Texas, and regarding requests from Joe Longley and Marc Gravely for documents from Vinson & Elkins related to the *McDonald* litigation; and regarding the evaluation of the general counsel and the evaluation, duties, and compensation of the executive director.

No action was taken during closed session.

After returning to open session, President Sylvia Borunda Firth, on behalf of the Evaluation Subcommittee, moved for approval of the recommendation discussed in closed session for a 6% one-time lump sum merit payment for Executive Director Trey Apffel effective June 1, 2022. Seconded by Director Andy Almanzán. Motion Carried.

W. State Bar of Texas Mission Statement was recited.

X. There being no further business, Director Jason Charbonnet moved to adjourn the meeting. Director Lucy Forbes seconded. Meeting adjourned by Chair of the Board Santos Vargas at 4:42 p.m. CDT.

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