

**AGENDA
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE
Thursday, September 7, 2023 – 10:00 a.m. CDT**

**Texas Law Center – Stewart Morris Board Room
1414 Colorado St.
Austin, TX 78701**

The presiding officer will be physically present at the meeting location listed above.

Members of the Public:

View the meeting via PC, Mac, iOS or Android Device:

www.youtube.com/statebaroftexas

Public comments will be received under agenda item 3.

Those who wish to address the Executive Committee 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 lowell.brown@texasbar.com or call (512) 427-1713 or (800) 204-2222 (toll free) before 5 p.m. CDT on Wednesday, September 6, 2023. 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 Friday, September 1, 2023, for timely distribution to the Executive Committee members 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 September 7, 2023, Executive Committee 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 Tami Knoll at (512) 427-6850 or (800) 204-2222 (toll free) 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. Knoll by routing through Relay Texas at phone number 7-1-1 or another designated phone number provided at relaytexas.com.

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| 1. | Call to Order | Cindy Tisdale |
| 2. | Roll Call | Trey Apffel |
| 3. | Remarks from the General Public
<i>(Members of the public will have an opportunity to comment during the meeting.)</i> | |
| 4. | Report from Executive Director
Discussion: General Report | Trey Apffel (Materials) |
| 5. | Report from President
A. Discussion: General Report | Cindy Tisdale (Materials) |
| | B. Action: Consider and discuss approval of minutes of the April 4, 2023, Executive Committee meeting | |

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C. Action: Consider and discuss approval of additional members of the AI Work Group including approval of its roster and its title as the AI Task Force

D. Update on the Building Planning Special Committee

Sylvia Borunda Firth **(Materials)**

1) **Discussion:** General Report

2) **Action:** Consider and discuss approval of Building Planning Special Committee recommendation to select Construction Manager at Risk

6. **Report from Chair of the Board**

Kennon L. Wooten

Discussion: General Report

7. **Report from President-elect**

Steve Benesh

Discussion:

1) General Report

2) FY 2024-2025 Budget Committee Update

8. **Report from Immediate Past President**

Laura Gibson

Discussion: General Report

9. **Executive Committee**

A. Nominations & Elections Subcommittee

Laura Gibson/Chad Baruch **(Materials)**

1) **Discussion:** General Report

2) **Action:** Consider and discuss approval of the recommendation of nominees for 2024-25 SBOT president-elect:

Denise Scofield, Houston

Santos Vargas, San Antonio

3) **Action:** Consider and discuss approval of proposed amendments to Board Policy Manual Subsection 2.01.12 pertaining to campaign expenditures and reimbursement of costs for president-elect candidates

4) **Action:** Consider and discuss approval of proposed amendments to Board Policy Manual Subsection 2.01.09 pertaining to president-elect candidate forums

B. Policy Manual Subcommittee

Tom Crosley **(Materials)**

1) **Discussion:** General Report

2) **Action:** Consider and discuss approval of a proposed amendment to the Board Policy Manual to change the title of Section 1.26 (D)

3) **Action:** Consider and discuss approval of a proposed amendment to Board Policy Manual to change the name of the “Diversity, Equity, and Inclusion Committee” to the “Outreach and Engagement Committee” and also change language in its purpose clause

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| 10. Audit & Finance Committee
Discussion: <ul style="list-style-type: none">1) Financial Reports and General Review of Financial Statements2) Update on Financial and Internal Audits | Forrest Huddleston | (Materials) |
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| 11. Discipline & Client Attorney Assistance
DCAAP Subcommittee <ul style="list-style-type: none">1) Discussion: General Report2) Action: Consider and discuss approval of proposed amendments to Rule 3.09, Texas Disciplinary Rules of Professional Conduct, regarding special responsibilities of a prosecutor3) Action: Consider and discuss approval of proposed amendments to Rule 4.03, Texas Disciplinary Rules of Professional Conduct dealing with unrepresented persons4) Action: Consider and discuss disapproval of proposed amendments to Rule 4.04, Texas Disciplinary Rules of Professional Conduct, regarding respect for rights of others5) Action: Consider and discuss approval of proposed amendments to Rule 5.01, Texas Disciplinary Rules of Professional Conduct, regarding responsibilities of a partner or supervisory lawyer6) Action: Consider and discuss approval of proposed amendments to Rule 5.05, Texas Disciplinary Rules of Professional Conduct, regarding unauthorized practice of law and remote practice of law7) Action: Consider and discuss approval of proposed amendments to Rule 8.05, Texas Disciplinary Rules of Professional Conduct, regarding jurisdiction8) Action: Consider and discuss approval of proposed Rule 8.06, Texas Disciplinary Rules of Professional Conduct, regarding choice of law9) Action: Consider and discuss approval of Resolution to petition the Supreme Court of Texas to order a referendum of the members of the bar, on all proposed amendments to the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure approved by the State Bar Board of Directors, as provided by Tex. Govt. Code 81.0878, including a recommended ballot form, a referendum timeline, and method of voting | Robert Tobey | (Materials) |
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| 12. Section Representatives to the Board
Discussion: General Report | Jerry Bullard | |
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| 13. Discussion: Supreme Court Liaison | Senior Justice Debra Lehrmann | |
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| 14. Discussion: Texas Young Lawyers Association | Laura Pratt | (Materials) |
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| 15. Discussion: Report from General Counsel | Ross Fischer | |

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16. **Discussion:** Report from Chief Legal Counsel

Chris Ritter

A. Closed Session: As authorized by Texas Government Code Section 551.071 for the purpose of consulting with legal counsel regarding *Harrison v. State Bar of Texas Insurance Trust* (No. 2023-07552) (55th District Court of Harris County), *Turnbull v. Commission for Lawyer Discipline, et al.* (No. 1:23-cv-00314) (W.D. Tex.), *Washington v. State Bar of Texas et al.* (No. 1:23-cv-00526-RP) (W.D. Tex.), and *Yan v. State Bar of Texas et al.* (No 4:23-cv-758) (N.D. Tex); and as authorized by Texas Government Code Section 551.074 to deliberate regarding personnel matter(s)

B. End of Closed Session/Return to Open Session

C. Action, if needed, on items discussed in closed session

17. **Adjourn**

Cindy Tisdale

If, during the course of the meeting covered by this notice, the Executive Committee should determine that a closed session of the Executive Committee 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. Gov't Code Ch. 551) will be held by the Executive Committee 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 Executive Committee 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. The Executive Committee reserves the right to take action in open session on any item discussed in closed session.

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 Executive Committee 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.