

**OFFICIAL
MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS
Friday, January 26, 2024 – 9:00 a.m. CST
Hilton Palacio Del Rio – Salon B & C
200 S. Alamo
San Antonio, TX 78205**

A. Call to Order at 9:00 a.m. CDT from Chair of the Board Kennon Lily Wooten

B. Roll Call from Executive Director Trey Apffel

Present:

Executive Director Trey Apffel*, Immediate Past Chair of the Board Chad Baruch*, President-elect Steve Benesh, Cade Browning, Jerry Bullard*, Elizabeth Sandoval Cantu, Luis Cavazos, Jason Charbonnet, Craig Cherry, Kelly-Ann Clarke, Jeff Cochran, David Courreges, Tom Crosley, Kenda Culpepper*, General Counsel Ross Fischer*, Immediate Past President Laura Gibson, Bob Goss*, Pierre Grosdidier*, August Harris, Britney Harrison, Noelle Hicks, Matthew Hill, Sonya Hoskins*, Rakhi Israni*, Krisi Kastl, Lori Kern, Bill Kroger, Chief Justice Rebeca Martinez*, TYLA President-elect Hisham Masri, Judge Jesse McClure*, Dwight McDonald, Rudy Metayer, Lawrence Morales, Kimberly Naylor, Rosalind Perez, Chris Pineda, TYLA President Laura Pratt, Judge Jason Pulliam*, Shannon Quadros, TYLA Immediate Past President Michael Ritter, Audie Sciumbato, John Sloan, G. David Smith, Paul Stafford, Alex Stelly, Jr., Nitin Sud, Carlo Taboada, President Cindy Tisdale, Robert Tobey, Aaron Tobin, Stephen Venzor, Brandy Wingate Voss*, Chair of the Board Kennon Lily Wooten, Michael Wynne, Justice Evan Young*

Excused Absence:

Forrest Huddleston, Senior Justice Debra Lehrmann*, Chris Popov, Radha Thiagarajan, Dr. Martin Tobey, Michael Vasquez

**Nonvoting member*

C. Invocation by Director Kelly-Ann Clarke

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

E. Remarks from General Public

Members of the public were given the opportunity to comment during the meeting. Seven public members signed up to speak on agenda item 21 and were taken during that report as indicated below.

F. Report from Chair of the Board Kennon Lily Wooten

Director Lawrence Morales II made a motion to approve the consent agenda items. Seconded by Director Rosalind V.O. Perez. No discussion; motion carried.

President Cindy Tisdale presented Resolutions to Hon. Peter Sakai (San Antonio) and Hon. Larry Noll (San Antonio).

Chair of the Board Kennon Lily Wooten provided a general report, including board communications with members of the Bar. Chair Wooten presented children's books and stuffed animals that were donated by the Board of Directors to Hon. Peter Sakai to be given to the children's courthouse in San Antonio. Chair Wooten introduced the two candidates for the 2024-2025 Chair of the Board, Elizabeth Sandoval Cantu and Paul K. Stafford. Each candidate gave remarks.

Chair Wooten discussed the method of voting to be used in electing the Chair-elect at the April board meeting. **Director August Harris made the motion to approve the method of voting as electronic via BoardEffect.**

Director Laura Pratt seconded. No discussion; motion carried.

G. Report from Executive Director Trey Apffel

Executive Director Trey Apffel provided a general report including the State Bar's Lawyer Referral and Information Services (LRIS) new online portal, the free CLE held the day before the quarterly board meeting, Updates for Solo Practitioners and Small Firms, the upcoming State Bar of Texas Annual Meeting to be held in Dallas at the Hilton Anatol June 20 and 21, and the availability of the 2023-2024 State Bar Volunteer & Staff Guide. Executive Director Apffel presented the quarterly Staff Excellence Award to Sandra Cuellar of the San Antonio Regional Office of the Chief Disciplinary Counsel and Demaj Wiley of the Information Technology Department.

H. Report from President Cindy Tisdale

President Cindy Tisdale provided a general report on travels, meetings and outreach events, and presidential initiatives, including the Taskforce for Responsible AI in the Law and the Vacation Letter Portal.

Sylvia Borunda Firth provided a report on the Building Planning Special Committee including the Design approval by the Austin Historical Landmark Commission, the next steps with the construction manager at risk (CMAR), and fundraising.

The Action Items for Agenda Item 8B were held until after closed session to allow the Board to discuss the matters in one closed session. Agenda Item 13B was taken out of order next.

**I. Administration Committee
Facilities & Equipment Subcommittee**

Director Sonya Hoskins provided a report on the Dallas Chief Disciplinary Counsel office space lease.

The Action Item for Agenda Item 13B was held to allow the Board to discuss the matter in one closed session. Agenda Item 26, Closed Session was taken out of order next.

J. Closed Session

A. Chair of the Board Kennon Lily Wooten recessed the open session and reconvened in closed session at 9:55 a.m. as authorized by Texas Government Code Section 551.071 for the purpose of consulting with legal counsel regarding *Boudreaux v. Louisiana State Bar Association*, 86 F.4th 620 (5th Cir. 2023), *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.), *Yan v. State Bar of Texas et al.* (No 4:23-cv-758) (N.D. Tex.), *Butler v. State Bar of Texas et al.* (No. 4:23-CV-01070 (E.D. Tex.), the State Bar of Texas office lease in Dallas, and legal matters related to 1415 Lavaca; and as authorized by Texas Government Code Section 551.074 to deliberate regarding personnel matter(s)

B. Chair of the Board Kennon Lily Wooten reconvened the open session at 11:04 a.m.

C. During the closed session, only matters relating to consultation with legal counsel regarding *Boudreaux v. Louisiana State Bar Association*, 86 F.4th 620 (5th Cir. 2023), *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.), *Yan v. State Bar of Texas et al.* (No 4:23-cv-758) (N.D. Tex.), *Butler v. State Bar of Texas, et al.* (No. 4:23-CV-01070 (E.D. Tex.), the State Bar of Texas office lease in Dallas, and legal matters related to 1415 Lavaca were discussed. No action was taken.

K. Director Sonya Hoskins made the motion, under Agenda Item 13B (2), to consider and discuss approval of Dallas CDC Regional office space lease or authorize the Executive Director to approve the lease if further negotiations are needed. Coming from a committee, no second was needed. Motion carried.

L. Report from President-elect Steve Benesh

President-elect Steve Benesh provided a general report on travels, meetings, and outreach events, as well as an update on the 2024-2025 Budget to be published in the March 2024 issue of the *Texas Bar Journal*.

President-elect Steve Benesh made a motion for approval of the State Bar of Texas 2024-2025 proposed budget for publication the Texas Bar Journal. Coming from a committee, no second was needed. Motion carried.

Executive Director Trey Apffel made remarks regarding a potential dues increase. Comments ensued by Directors Robert Tobey and Dwight McDonald

M. President Cindy Tisdale made the motion, under Agenda Item 8B (2), to approve authorization of State Bar of Texas staff to move forward with fundraising and creation of a 501(c)(3) needed for the 1415 Lavaca Street project. Director Dwight McDonald seconded. No discussion; motion carried.

N. President Cindy Tisdale made the motion, under Agenda Item 8B (3), to approve the authorization of State Bar of Texas staff to move forward with design and construction planning of the 1415 Lavaca Street project. Director August Harris seconded. No discussion; motion carried.

O. Chair of the Board Kennon Lily Wooten recessed the meeting at 11:34 a.m. for a break and reconvened at 12:00 p.m.

P. Report from Immediate Past President Laura Gibson

Immediate Past President Laura Gibson provided a general report on travels, meetings, and presidential initiatives.

Q. Executive Committee

Nominations & Elections Subcommittee

Immediate Past Chair Chad Baruch provided an update on the 2024-2025 election for President-elect as well as 10 District Directors positions. Deadline for petition submissions for District Directors is March 1. The election begins on April 1 and ends on April 30.

Agenda Item 21 was now taken out of order. Prior to Agenda Item 21, Chair of the Board Kennon Lily Wooten announced that she was a co-chair of the TAJC Working Group and also a chair of a subcommittee of that working group; therefore, she advised that she abstained from taking any votes in her role within the Commission.

R. Texas Access to Justice Commission

Harriet Miers, Chair of the Texas Access to Justice Commission, provided a general report and overviewed the Commission's recent activities and its report to the Texas Supreme Court regarding possible rule changes to improve access to justice for low-income Texans.

S. The following members of the public spoke on Agenda Item 21: Christopher Wrampelmeier, Tim Newsom, Justine Daly, Teresa Coles, Roy Petty, David Chamberlain, and Gayla Corley. The following board members spoke on Agenda Item 21: Director Cade Browning, Director Bill Kroger, Director David Courreges, Director Tom Crosley, Director Bob Goss, and Director Robert Tobey.

Agenda Item 24A was now taken out of order.

T. Supreme Court Liaison

Senior Justice Debra Lehrmann had an excused absence and Justice Evan Young provided a general report on her behalf and made comments on improving access to justice for low-income Texans. Comments ensued from Director Bill Kroger, Director Elizabeth Sandoval Cantu, and Director Rosalind V.O. Perez.

Agenda Item 16 was now taken out of order.

- U. **Public Services & Education Committee**
Affordable Legal Services Subcommittee
Director G. David Smith provided a general report.

- V. **Audit & Finance Committee**
Director Robert Tobey provided a report on financial reports and a general review of financial statements.

Director Robert Tobey made a motion to approve the financial audit and annual financial report for fiscal year ending May 31, 2023. Coming from a committee, no second was needed. No discussion; motion carried.

Director Robert Tobey made a motion to approve the quarterly investment report for the quarters ending August 31, 2023, and November 30, 2023. Coming from a committee, no second was needed. No discussion; motion carried.

Agenda Item 22 was now taken out of order.

- W. **Texas Bar Foundation**
Hon. Patrick Keel provided a general report on the Texas Bar Foundation.

- X. **Administration Committee**
Director Dwight McDonald provided a general report on three proposed rule changes.

Director Dwight McDonald made a motion to approve the Administration Committee's recommendation regarding the Court Rules Committee's proposed amendments to Rule 10, Texas Rules of Civil Procedure, regarding withdrawal of attorneys or corporations. Coming from a committee, no second was needed. No discussion; motion carried.

Director Dwight McDonald made a motion to approve the Administration Committee's recommendation regarding the Court Rules Committee's proposed amendments to Rule 12, Texas Rules of Civil Procedure, regarding a court being permitted to institute a hearing ordering counsel to show authority. Coming from a committee, no second was needed. Discussion ensued by Director Shannon Quadros; motion carried.

Director Dwight McDonald made a motion to approve the Administration Committee's recommendation regarding the Court Rules Committee's proposed amendments to Rule 44, Texas Rules of Civil Procedure, regarding improved terms to clarify when a party may sue and be represented by "next friend". Coming from a committee, no second was needed. No discussion; motion carried.

- Y. **Discipline & Client Attorney Assistance Committee**
DCAAP Subcommittee
Director Robert Tobey provided a general report regarding the upcoming referendum which will run concurrent with the president-elect and direction elections beginning April 1.

- Z. **Discipline & Client Attorney Assistance Committee**
Client Security Fund Subcommittee
Director Kimberly Naylor reported that to date for this fiscal year, the subcommittee has reviewed 131 applications and approved 85 of those for a total of \$730,173.26.

- AA. **Member Services & Education Committee**
Professional Development Subcommittee
Director Kenda Culpepper provided a general report on TexasBarCLE, Texas Bar Books, and the Office of

Minority Affairs, as well as State Bar staff Kandi Botello, Pamela Gilley, Sarah Rich, Edward Morgan, and Joshua Weaver who all gave presentations at the ACLEA mid-year conference in Savannah, GA.

BB. Member Services & Education Committee

Appeals-Grant Review Subcommittee

Director Alex Stelly, Jr. provided a report on a request by the Texas Young Lawyers Association for authorization to seek grant funding from the Texas Bar Foundation for a project titled Law School Hug, which will educate and inform perspective and current law students about the legal profession attending law school and how to be successful once there. The subcommittee unanimously approved the request.

CC. Ad Hoc Committee to Select At-Large Directors

Director Kelly-Ann Clarke provided a report on the upcoming open position as an At-Large Member of the Board of Directors. Seven nominations were received for consideration and all seven will be interviewed on February 12.

DD. Section Representatives to the Board

Director Sonya Hoskins provided a general report including total section membership of 86,015 members.

EE. Commission for Lawyer Disciplinary/Chief Disciplinary Counsel

Judge Monica Gonzalez, Chair of the Commission for Lawyer Discipline, provided a report on second quarter statistics.

FF. Ombudsman Report

Stephanie Lowe provided a presentation on their annual report and recommendations for improvements.

GG. Texas Young Lawyers Association

TYLA President Laura Pratt provided a general report on travel, meetings, and outreach events, as well as TYLA initiatives, programs, and projects.

HH. Court of Criminal appeals Liaison

Judge Jesse F. McClure III provided a general report on the court, oral arguments, and upcoming speaking engagements.

II. Judicial Section Liaison

Chief Justice Rebeca Martinez provided a general report on the Judicial Section and upcoming meetings.

JJ. Federal Judicial Section Liaison

Judge Jason Pulliam provided a general report on federal courts and a report on two cases, State vs. United States Department of Homeland Security and United States Vs. Abbott.

KK. Out of State Lawyer Liaison

Director Rakhi Israni had no report.

LL. General Counsel

General Counsel Ross Fischer reported on work with in-house legal staff with regard to the Boudreaux decision and compliance strategies.

MM. Chief Legal Counsel

Chief Legal Counsel Chris Ritter reported on steps taken by the State Bar to ensure that every State Bar communication sent out to the public is reviewed for compliance with the Fifth Circuit's *Boudreaux* opinion.

NN. SBOT Mission Statement

Director Lawrence Morales II led the Board in reciting the mission statement.

OO. There being no further business, Director August Harris moved to adjourn the meeting. Director David Courreges seconded. Chair of the Board Kennon Lily Wooten adjourned the meeting at 3:02 p.m.