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2013-2014 State Bar of Texas

COMMITTEE REPORTS

Committee reports are included in the July issue of the *Texas Bar Journal* to update Texas lawyers on State Bar activities. The reports do not necessarily reflect the position or official policy of the State Bar of Texas, which is formulated by the State Bar Board of Directors or by the membership through referendum. For more information or to complete a Committee Volunteer Interest Form, visit texasbar.com/committees or call (800) 204-2222, ext. 1503.

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ADMINISTRATION OF RULES OF EVIDENCE

Robin Malone Darr, Chair

How to pen an article making *evidence* sound exciting—that is the question! The saving grace is that I'm writing for lawyers. But truly, the charge of this committee—to constantly review and better the Rules of Evidence—is very interesting. This year was no exception. We focused on substantive issues emerging during last year's restyling, as well as changes necessitated by legislation.

Five working subcommittees recommended:

(1) Adding the Rules of Appellate Procedure to Rule 101(c) to clarify that the Appellate Rules take precedence over the Rules of Evidence.

(2) Amending Rule 503(b)(1)(C), lawyer-client privilege in the context of multi-party litigation, to include statements made in anticipation of litigation, and possibly statements made by the lawyer or representative of a lawyer representing another party.

(3) Modifying Rule 615 to accommodate the Michael Morton Act.

(4) Conforming Rule 701 to the Federal Rule, but not amending Rule 702.

(5) Amending Rule 801(e)(1)(B), statements which are not hearsay, to include statements "to rehabilitate the declarant's credibility as a witness when attacked on another ground," making the Texas Rule consistent with the Federal Rule.

With grateful appreciation to Leslie Hyman, Professor Goode, Terry Jacobson, Michelle Gonzales, Michelle Hayes, Alex Bell, and all committee members. Voilà—excitement over evidence!

ADVERTISING REVIEW

Mike McKetta, Chair

The committee continues to work in the pursuit of three objectives: (1) educate the bar about the provisions of the Advertising Rules, (2) provide guidance to the bar concerning compliance with Part VII of the Rules,

and (3) ensure compliance with the Advertising Rules by reviewing and approving filed advertisements.

Gene Major, director of the Advertising Review Department; Michael Dobbs, program coordinator of ARD; and various members of the committee gave a number of live, videotaped, and Web-based presentations to educate lawyers and others about the requirements and restrictions imposed by the Advertising Rules. Major also presented to the Houston Inn of the Court, an Austin Bench Bar seminar, and the State Bar of Texas Grievance Symposium. The committee continued working with the publishers of Texas Super Lawyers, Rising Stars, and other similar materials to ensure that advertising related to these lists is filed with and reviewed by the committee before publication. The committee assisted in the writing of the successful TYLA *Pocket Guide: Social Media 101*, and a related article in the *Texas Bar Journal*.

The committee reviewed more than 4,000 advertising applications in the 2013-2014 bar year. The number of filings has consistently increased, with the largest category of submissions filed being electronic.

ANNUAL MEETING

Steve Benesh, Chair

The 2014 Annual Meeting took place June 26-27 in Austin. The Annual Meeting Committee offered a diverse selection of quality CLE for the best value, featuring renowned speakers such as Bobby Ray Inman, former director of the National Security Agency; Jeffrey Rosen, president and CEO of the National Constitution Center; Lynda Johnson Robb, daughter of former President Lyndon B. Johnson; and Larry Temple, who served as counsel to LBJ. The two themes centered on the 75th anniversary of the State Bar and the 50th anniversary of the Civil Rights Act of 1964.

With more than 90 informative learning sessions, this year's meeting

featured programs for everyone, from the first-year associate to the seasoned professional. State Bar sections provided practice-specific seminars as well as joint events. To commemorate the Civil Rights Act, the State Bar and the Texas Supreme Court Historical Society presented a reenactment of the oral argument in *Sweatt v. Painter*.

During Friday's General Session, 2013-2014 State Bar President Lisa M. Tatum gave parting remarks and Trey Apffel was sworn in as 2014-2015 president. At the Texas Young Lawyers Association reception, 2013-2014 TYLA President Kristy Blanchard thanked young lawyers for their service, and Rebekah Steely Brooker was sworn in as the 2014-2015 president of TYLA.

The 2015 Annual Meeting will be June 18-19 in San Antonio.

CHILD ABUSE AND NEGLECT

Carole Hurley, Chair

The committee once again conducted a one-day workshop at the Advanced Family Law Course and worked with the Family Law Section to make this training affordable for government and court-appointed attorneys. The Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families provided scholarships to a number of attorneys to attend the workshop.

In addition, the committee conducted a one-day child protection litigation conference in June 2013, which featured plenary and breakout sessions designed for attorneys representing parents, children, and the Texas Department of Family and Protective Services.

The committee continues to distribute English and Spanish copies of its DVD film on shaken baby syndrome, *When Babies Cry*, and is working to bring greater public awareness to prenatal alcohol exposure.

The committee continues to post resources for child protection litigators at texaslawyersforchildren.org, including free legal research materials concerning

child protection and communication tools that allow judges and attorneys to have a dialogue with colleagues. The site also provides a way for attorneys to access pro bono opportunities in child protection cases.

The committee selected an attorney to receive its annual Fairy Davenport Rutland Award for Distinguished Service to Children and Families, to be presented at the 2014 Advanced Family Law Conference in August.

CONTINUING LEGAL EDUCATION

Deborah J. Bullion, Chair

During the 2013-2014 bar year, the Continuing Legal Education Committee met twice with the Board Professional Development Subcommittee and with bar staff to propose topics for future CLE programs and to discuss the challenges and opportunities facing TexasBarCLE and TexasBarBooks. TexasBarCLE has continued to be a leading provider of high-quality CLE and has discussed plans to ensure that its position is maintained through the implementation of initiatives such as additional video replays of popular courses, efforts to reduce expenses, and strategies to encourage attendance. TexasBarCLE eliminated USB flash drives as the electronic option for course books, opting to instead use digital downloads. Expansion of webcasts and online classrooms continues to remain a priority. CLE committee members are assigned to serve on planning committees to ensure the highest level of quality and that courses reflect the diversity of the bar.

TexasBarCLE renewed its contract with Casemaker, a free legal research service offered on the bar's website. Three features that were previously fee-based are now free: Case Check+, Cite Check, and CasemakerDigest. Fastcase, another free legal research service, is also being offered. TexasBarBooks recently released several manuals and supplements, including material on pattern jury charges for criminal and family law as well as *Collaborative*

Law—Start to Finish. TexasBarBooks is also working on developing online versions of its books.

COURT RULES

Jody Hughes, Chair

The Court Rules Committee met five times during the 2013-2014 bar year, resulting in submission to the Texas Supreme Court of three recommendations for procedural rule changes.

The first recommendation proposes modifications to Rules of Civil Procedure 193.6(a) and 194.2(e) that would eliminate unnecessary duplication of designation of persons with knowledge of relevant facts, particularly in cases with numerous parties or large numbers of fact witnesses.

The second recommendation proposes amending Rule of Appellate Procedure 52.9 to expressly authorize appellate courts to extend the deadline to move for rehearing in an original proceeding if a motion for extension of time is filed within 15 days after the deadline for seeking rehearing.

The third recommendation proposes adding a new Rule of Civil Procedure 76(b) addressing confidentiality orders. The proposed rule is designed to facilitate the exchange of discovery by establishing a uniform procedure for requesting confidentiality orders, setting up a procedure for challenging whether particular items are confidential, and providing a standardized form order that complies with Texas court procedures.

In addition, the committee continued working with the Texas Supreme Court and the Office of Court Administration to gather local rules from courts statewide and make them available on the OCA's website, courts.state.tx.us/oca.

CRIME VICTIMS

Eric Julian Tijerina, Chair

The goal of the Crime Victims Committee is to educate the legal profession and the public about the resources available to crime victims. During the 2013-2014 bar year, the

committee filmed a Ten Minute Mentor video, available through tyla.org and tenminutementor.com, titled *Crime Victim Compensation and the Ethical Obligations Owed to Crime Victims*.

Committee members also continued to traverse the state to disseminate information about the Crime Victims' Compensation Fund administered by the Texas Office of the Attorney General. In addition, as a service to Texas attorneys, the committee offered its signature CLE training, "A Lawyer's Ethical Responsibilities to Crime Victims," to local bar associations. The presentation has been approved for one hour of CLE ethics, and interested parties should contact the State Bar Committees Department at (512) 427-1722 to request to use the presentation at a meeting, CLE course, or conference. Presentations in Bexar and Matagorda counties are tentatively scheduled for the 2014-2015 bar year.

The Crime Victims Committee encourages crime victims and advocates to visit our Web page, available in English and Spanish at texasbar.com/crimevictims, for information on local, state, and federal crime victim rights and resources.

DISABILITY ISSUES

Kelli Howard, Chair

The Disability Issues Committee co-produced a video with Disability Rights Texas titled *Veterans and Bootz's Law: Service Animals and Persons with Disabilities in Texas*. The video educates Texas veterans and other Texans with disabilities on a revised state law that allows people to be accompanied by service animals in public places. The video is available for viewing on Texas Bar TV (youtube.com/user/statebaroftexas).

The committee also voted to have its Communication Access Fund permanently administered by the Legal Access Division's Language Access Fund, which helps attorneys pay for qualified sign language interpreters and other services to ensure effective communica-

tion with clients who have disabilities.

The Veterans and Mental Health Subcommittee coordinated with Brian Walker of the Walker Law Firm, who presented a free CLE webinar, “Military and Veterans Disability in a Nutshell,” to attorneys who agree to take on one pro bono case on behalf of veterans.

The committee mentorship program continues to provide mentors to attorneys and law students with disabilities. For more information, please go to the committee’s new website, texasbardisabilityissues.org, or contact the chair, Kelli Howard, at khoward@trla.org.

DIVERSITY IN THE PROFESSION

Dawn R. Tezino, Chair

The Diversity in the Profession Committee’s mission is to promote diversity in the legal profession by continuing to be a leader in the development, implementation, and execution of several key diversity initiatives throughout the state. One of our most successful projects is the Texas Minority Counsel Program, which offers CLE programming for all attorneys and is a networking and marketing opportunity for minority and women attorneys to gain exposure to in-house counsel from corporate legal departments and other governmental agencies. The 2014 event will be on Sept. 3-5, at the Westin Austin at the Domain. For more information, go to texasbar.com/tmcp.

We also held the “General Counsel, Managing Partners, and Law School Deans Diversity Roundtable,” a think-tank forum that offered participants the opportunity to candidly discuss issues affecting diverse attorneys in law firms, legal departments, and law schools.

The Texas Minority Attorney Program offers affordable CLE and networking opportunities designed for solo and small-firm practitioners, including women and minority attorneys.

The DIP Committee’s mission also includes strengthening the pipeline and increasing its outreach to minor-

ity law students. In 2012, the Texas Minority Law School Program was founded to engage law students with quality programming and provide opportunities for attorneys to mentor women and minority law students.

JURY SERVICE

Judge Orlanda Naranjo, Chair

The Jury Service Committee’s primary goals this year were to promote juror education, to investigate ways to improve the jury service experience, and to increase juror participation. Last year the committee filmed public service announcements designed to emphasize the importance of jury service, which featured former Texas Supreme Court Chief Justice Wallace B. Jefferson and Justice Eva Guzman. The PSAs were in English and Spanish. The committee members have spent this year encouraging television stations throughout the state to air the PSAs.

Members of the Jury Service Committee addressed one of the concerns raised by the committee’s 2011 Survey of District and County Clerks, which is the failure of many citizens to show up for jury service when summoned. A Subcommittee on Jury Summons was formed to address issues such as exemptions, improving the jury wheel’s accuracy, and improving communication between the clerks, Secretary of State, and Department of Public Safety.

During the next bar year, the committee will continue to disseminate the PSAs throughout the state and hopes to make recommendations to improve the accuracy of the jury wheel.

LAW FOCUSED EDUCATION

Daniel David Hu, Chair

Committee members continued to meet with their local school districts, private school networks, and community groups, providing them with the latest materials developed by the Law-Related Education Department. This year’s focus was State Bar of Texas 2013-2014 President Lisa M. Tatum’s *I was the first. Vote for Me!*

initiative. Using the Web-based program, committee members gave presentations to classrooms in grades K-5 and to community groups and local bar associations. The committee members successfully implemented another We the People: the Citizen and the Constitution competition on Jan. 11, 2014, and served as judges or facilitators for the mock congressional hearings. Granbury High School won first place and represented Texas in the national finals in Washington, D.C.

Committee members continued to speak to participants at local Law Focused Education events and to promote the use of the Law Focused Education, Inc. website, texaslr.org, and national programs such as iCivics.org and the Public Services Division of the American Bar Association.

LAW PRACTICE MANAGEMENT

William Wade Miller Jr., Chair

The Law Practice Management Committee began the year by presenting a daylong seminar during the bar’s Annual Meeting in June 2013. Throughout the year, committee members made presentations to several local bar associations across the state and at South Texas College of Law. The committee has continued its discussion on sale of practice issues and retirement planning for law firm/office transitions. It also evaluated the changes made to the MCLE accreditation standards by the MCLE Committee. The committee also continued its State Bar of Texas Law Practice Management Facebook page, made updates to the “how-to” brochures available on its website, texasbar.com/lpm, and created new “how-to” brochures on implementing a paperless office, cloud computing, and encryption basics. The committee has also been reviewing and preparing for the launch of a redesigned website to create greater mobile integration and easier search capabilities for LPM materials. Finally, the committee planned the Law Practice Management CLE event held in conjunction with the 2014 State Bar of Texas Annual Meeting.

LAWS RELATING TO IMMIGRATION AND NATIONALITY

Rebecca R. Garcia Massiatte, Chair

We had another stimulating and productive year. In coordination with the Immigration Section, the bar, and U.S. Citizenship and Immigration Services, the committee hosted a memorable naturalization ceremony, welcoming approximately 50 new citizens representing a variety of countries.

Fall took us to the Rio Grande Valley spanning from Harlingen to Brownsville. Events included a tour of the unaccompanied minors' and children's shelter, discussions with ProBAR Children's Project, and a visit to La Posada Providencia to witness humanitarian efforts. Members also had a tour of the Fort Brown Station, where they were treated to a "ride-along" in border patrol vans to get up close and personal with the controversial border fence.

The spring meeting was held in El Paso and featured the USCIS director and staff and a personal tour of the U.S. Consulate General in Ciudad Juárez. The nearly four-hour tour gave members a behind-the-scenes view of activities, including processing, interviews, and the medical center. The committee met with key staff members about efforts to improve services and educating the public and attorneys about fraud perpetrated against immigrants.

LAWYERS' ASSISTANCE PROGRAM

Daniel P. Garrigan, Chair

The Lawyers' Assistance Program Committee continued its focus on carrying the message to lawyers, law students, and judges that help is available for those seeking to recover from substance abuse or mental health issues. The Mental Health Subcommittee began a new initiative to address depression and suicide among lawyers in mid- to large-sized law firms and continued work on distributing its *Life Alert: Save a Lawyer* suicide prevention guide for members of

the legal profession. At CLE programs around the state, subcommittee members continued disseminating their "ABCs of Helping the Senior Lawyer in Need" protocol for lawyers experiencing cognitive decline.

Members of the Law School Subcommittee volunteered as liaisons to the deans of student affairs at each of the law schools in Texas. The liaisons served as presenters at classes, orientations, and wellness fairs to provide information on substance abuse and mental health issues faced by law students. Liaisons also provided support to individual students facing these issues.

This year, the committee formed the Volunteer Recruitment, Training, and Retention Subcommittee, which developed a new curriculum for peer assistance volunteers and launched a statewide training initiative that will continue through 2015.

LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

Matthew B. Probus, Chair

The members of the Legal Services to the Poor in Civil Matters Committee continued to help carry out one of the bar's core missions to "assure all citizens equal access to justice." This year the committee began collaborating with Vasu Behara and Briana Stone, staff attorneys working on the Care Campaign for the State Bar's Legal Access Division, to coordinate efforts on various projects. One such project was an assessment of how the Emeritus Attorney and the Emeritus Pro Bono programs could be expanded to increase the delivery of pro bono services to those in need.

The committee continued its discussion of the State Bar's pro bono policy and the definition of pro bono, in light of its comparative analysis of other states' and the ABA's definition of pro bono.

The committee received strong nominations for the State Bar's Pro Bono Excellence Awards and made recommendations to the bar's board

of directors. Recipients of these awards will be recognized during the State Bar's 2015 Annual Meeting in San Antonio.

LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

Catherine G. Burnett, Chair

This committee was established two decades ago to improve the representation of indigent Texans in criminal matters. It does so by studying delivery systems, collecting data, and developing recommendations for relevant stakeholders. Its past efforts have been as varied as preparing outreach material for pro se misdemeanor defendants and developing Texas-specific guidelines for attorney representation in both capital and non-capital cases. Committee membership historically has been diverse—including state and federal practitioners, judges, prosecutors, public defenders, the private defense bar, nonprofit organizations focused on indigent defense issues, and members of state government. These various perspectives are critical in shaping the committee's work.

This past year the committee's focus has been on contrasting the Texas delivery system with that of Colorado, particularly in the realm of public defender design and support, and to a lesser extent with assigned counsel programs. New initiatives focus on gauging the impact of two recent developments in Texas indigent defense: (1) Comal County's experimental counsel voucher project, and (2) Harris County's mentor training program. This summer, the committee presented the Michael K. Moore and Warren Burnett awards, recognizing extraordinary contributions to indigent defense in Texas.

LOCAL BAR SERVICES

Janna Clarke, Chair

The Local Bar Services Committee has the express purpose of enhancing communication between State Bar leadership and local bar leaders to assist local bars in the management and

development of their associations. Our signature event, the Bar Leaders Conference, Aug. 1-2, 2014, at the Westin Galleria Houston, brings local bar leaders and State Bar officers and directors together to discover tools and resources while addressing common concerns.

The committee also plans annual programs such as Law Day and the Stars of Texas Bars Awards. The State Bar and Texas Young Lawyers Association presented awards to 18 student winners in the statewide contest at the Law Day ceremony in Austin. This year's theme, "American Democracy and the Rule of Law: Why Every Vote Matters," encouraged students to explore voting rights in America. The Stars of Texas Bars Awards recognize the work of local bar associations. Award recipients were acknowledged at the Bar Leaders Recognition Luncheon during the 2014 State Bar Annual Meeting held June 26 in Austin.

Outreach to local bar associations through State Bar leadership and staff and the Local Bar Services Committee remains strong. Some of the resources available to local bars include speaker coordination, strategic planning, program materials and coordination, off-the-shelf projects, and law-related education.

MINIMUM CONTINUING LEGAL EDUCATION

Edward Trey Bergman III, Chair

The Minimum Continuing Legal Education Committee administers the program of minimum continuing legal education as established by Article XII of the State Bar Rules. During this bar year, the MCLE Committee proposed amendments to the MCLE Regulations. The changes were approved and adopted by the State Bar Board of Directors and took effect June 1, 2014. The changes included establishing a \$200 application and renewal fee for accredited sponsors. The fee will recover costs associated with record keeping and auditing for accredited sponsor CLE activities.

Local bar associations and government agencies will be exempt from the new fees. The amended regulations also simplify the way full-time and part-time faculty at ABA-accredited law schools will report and receive special allowance credits. The amendments are currently published at texasbar.com/mcle.

The use of MCLE online services by sponsors and attorneys continues to increase. This year, the MCLE department received approximately 525,000 attendance records and 27,000 applications for accreditation of CLE activities. Seventy-five percent of this information was received electronically, via the MCLE website.

PARALEGALS

Paul Taparauskas, Chair

The Standing Committee on Paralegals has been quite active this year. The 32nd Annual Texas Forum convened in Dallas in February 2014 with the theme "Back to the Future: The Foundation of the Legal Profession." The forum was attended by more than 200 attorneys, paralegals, paralegal educators, and students. For the third straight year, the event featured a Boot Camp, which was also well attended. The keynote presentation was given by a panel of legal professionals representing the State Bar, the Texas Young Lawyers Association, the National Association of Legal Assistants, and the National Federation of Paralegal Associations. We thank Subcommittee Chair Allen Mihecobay, as well as Darla Fisher, Kay Redburn, Lydia McBrayer, Jan McDaniel, Pamela Young, Susan Brennan, and Erin Krenk for their efforts that resulted in the success of the event.

In addition to working on the 33rd Texas Forum, the committee is currently gathering information on paralegal services performed under the direction and supervision of licensed attorneys, as well as evaluation and development of policies and procedures regarding paralegals and their contributions to the legal pro-

fession. The committee, on behalf of the State Bar, works with and has oversight of the activities of the Paralegal Division of the State Bar of Texas.

PATTERN JURY CHARGES—BUSINESS, CONSUMER, INSURANCE AND EMPLOYMENT

Justice Brett Busby, Chair

The committee has worked throughout the year to prepare new charges that will appear in the updated edition of *Texas Pattern Jury Charges—Business, Consumer, Insurance & Employment*, which will be published in early 2015. The committee has also focused its efforts on revising existing charges to incorporate changes in statutory and decisional law.

The committee has completed new questions and instructions on insurance contracts, misappropriation of trade secrets, and construction contracts. The committee has also made significant revisions to the employment discrimination charges to reflect recent statutory and regulatory changes. Questions and instructions on defamation have been updated to incorporate recent decisions. The committee has worked closely with the other Pattern Jury Charge committees to update charges on fiduciary duty and to maintain consistency among the volumes on issues of corporate liability, damages, and apparent authority. The committees also continue to work together to prepare instructions addressing spoliation of evidence.

Drafts of the committee's work will be posted on texasbarbooks.net prior to publication. We welcome feedback on these drafts from the bench and bar. Comments and questions, as well as suggestions for new topics to be included in future editions, may be sent to books@texasbar.com.

PATTERN JURY CHARGES—CRIMINAL

Alan Levy, Chair

The Pattern Jury Charges—Criminal Committee was created in June 2005. Four volumes have been published

to date and a fifth volume on inchoate crimes will be published in the 2014-2015 bar year. Each volume's pattern instructions are accompanied by an extensive commentary. In addition, volumes one and two in the series, *Texas Criminal Pattern Jury Charges—Intoxication and Controlled Substances*, and *Texas Criminal Pattern Jury Charges—Defenses*, were updated in this fiscal year to include new cases and statutory changes.

New editions of all the volumes, with updated organization, will be published over the next several years.

The committee has also developed drafts for preparatory crimes and organized crime, which make up the fifth volume that is scheduled to be available in late summer of 2014.

PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS

Jeff Levinger, Chair

The committee is looking forward to the publication this fall of the 2014 edition of the *Texas Pattern Jury Charges—Malpractice, Premises & Products*. The new edition will feature several significant additions, including questions and comments relating to the Emergency Medical Treatment and Active Labor Act (the patient “anti-dumping” law). In addition, the new edition will include an important comment on the distinction between negligence and breach of fiduciary duty claims in legal malpractice cases. Another significant change includes new questions in the medical malpractice chapter, which help to delineate when the heightened “willful and wanton” negligence standard should be submitted in cases involving medical care of both an emergency and non-emergency nature.

The committee has also worked closely over the past two years with the State Bar PJC Oversight Committee. Members helped to spearhead the drafting of a spoliation instruction that likely will be included in the new editions of all the PJC volumes. We

have also proposed several modifications to the comments on exemplary damages that appear in three of the volumes.

The committee will soon reconvene to identify potential additions and changes for the next edition, and we welcome input from both the bench and the bar.

PATTERN JURY CHARGES—OIL AND GAS

Ricardo Morales, Chair

The Pattern Jury Charges—Oil and Gas Committee has spent its first year preparing to publish its first volume of pattern jury charges. The committee is continuing the work of the State Bar Oil, Gas, and Energy Resources Section, which initially began drafting charges for use by its members. The newly formed PJC committee intends to expand on the section's efforts and will reach a larger audience with its edition of the pattern jury charges. The committee has met throughout the year to review and update the current draft charges and to consider new topics to include in its first edition. Currently, the committee is focusing its efforts on adverse possession, trespass, issues affecting lessors and lessees, issues arising under operator agreements, and disputes about cost-bearing interests.

Drafts of the committee's work will be posted on texasbarbooks.net prior to publication. The committee welcomes comments from practitioners and judges on these drafts. Feedback on new topics to be included in future editions can be sent to books@texasbar.com.

PATTERN JURY CHARGES—OVERSIGHT

Judge Tracy Christopher, Chair

The Oversight Committee reviews all changes made to each individual volume of the Pattern Jury Charges. We reviewed the updates to the probate issues and have worked on the proposed new workers compensation issues. The committee also teamed up with the other PJC committees to achieve a consistent work product,

including the proper way to submit exemplary damages, and has worked on a new potential issue on spoliation to include in all volumes. The committee also suggested potential new areas for the individual volumes to consider.

PROFESSIONALISM

Kenda Culpepper, Chair

This year, the Professionalism Committee continued to focus on mentoring and continuing legal education. After a successful Early Morning Ethics presentation at the 2013 State Bar Annual Meeting, the committee again partnered with the Advertising Review Committee to film “Best Practices in Lawyer Advertising.” The CLE was aired as a live webcast and rebroadcast, and is now available in the online library. The committee is also in the process of developing “Ethics to Go: A Directory of Speakers.” The goal of “Ethics to Go” is to provide a resource for smaller or more remote local bar associations to find entertaining and effective ethics speakers willing to travel. The committee also continues to publicize the Transition to Practice program and the mentoring resources available at texasbar.com/mentoring.

PUBLIC AFFAIRS

Rudy England, Chair

2013-2014 was a successful year for the Public Affairs Committee as we worked to expand public understanding of the legal system and the role of lawyers and to foster relations with the news media in furthering these goals.

The committee continued its sponsorship of the Open Government Seminar at the 2014 State Bar Annual Meeting in partnership with the Government Law Section. The committee enlisted a notable group of prominent attorneys and journalists to conduct two timely panel discussions: “Big Data: At the Intersection of Journalism, Privacy, and National Security,” and “‘I Agree’...To What, Exactly?”

The committee also continued its partnership with the Freedom of Information Foundation of Texas, presenting the Texas Gavel Awards in recognition of outstanding Texas journalism that enhances public understanding of our legal system. The committee issued a call for entries to Texas journalists, recruited a distinguished panel of experts to judge the competition, and presented the 2013 Gavel Awards at a luncheon held in conjunction with the FOIFT annual conference.

REAL ESTATE FORMS

Richard L. Spencer, Chair

The Real Estate Forms Committee is responsible for maintaining the utility and legal rigor of the *Texas Real Estate Forms Manual*. The committee monitors changes in real estate and related areas of law and practice at the state and federal levels. In bar year 2013-2014, these included changing federal home loan regulations, changes to homestead regulations, and statutory changes made by the 83rd Texas Legislature. State and federal cases are also reviewed and incorporated to keep the manual up to date. A supplement will be published in mid-2014.

TEXAS BAR JOURNAL BOARD OF EDITORS

Michael C. Smith, Chair

The *Texas Bar Journal* is the official publication of the State Bar of Texas. In print since 1938, the magazine serves as a publication of record for the Supreme Court of Texas, a scholarly legal journal, and the association magazine for the State Bar of Texas. Each month (except for August), the *Texas Bar Journal* is distributed to approximately 100,000 subscribers—and is the only publication reaching every lawyer in Texas. The board of editors reviews legal article submissions, develops issue topics, and sets general editorial direction for the magazine.

In 2013-2014, the *Texas Bar Journal*

Board of Editors examined a number of subjects, including the disciplinary process, mentoring, social media, the shrinking legal profession, and practice management. The *Journal* also featured several State Bar and Texas Young Lawyers Association initiatives that included pieces on battling substance abuse and the civics project *I was the first. Vote for Me!* The board offered informative “Year in Review” and “Legislative Update” issues and also worked with staff members to devise a readership survey that was conducted via email over a two-week period. The magazine also began publishing a series of articles to celebrate the 75th anniversary of the State Bar of Texas.

TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

Gregg McHugh, Chair

The committee regularly reviews and, if necessary, suggests revisions to the Texas Disciplinary Rules of Professional Conduct and its Comments. Any suggested amendments are intended to significantly assist lawyers, their clients, and the broader public. This year, the committee voted to recommend amendments to Comments to Rules 1.01 (Competent and Diligent Representation), 1.05 (Confidentiality of Information), and 5.03 (Responsibilities Regarding Non-lawyer Assistants) in response to recent changes to the American Bar Association’s Model Rules of Professional Conduct. Additionally, the committee drafted, and will recommend the adoption of, a rule intended to make easier lawyers’ provision of pro bono services.

WEB SERVICES

Jason S. Coomer, Chair

This past bar year, the committee oversaw the beta launch of the bar’s private social network for lawyers, Texas Bar Connect (connect.texasbar.com). The platform is directly integrated with the State Bar’s membership database, which will allow members to log

in with their texasbar.com credentials and access discussion groups and file libraries based on their section and committee memberships and interests. The bar’s mobile-friendly website was launched at the beginning of 2014 and has been a great innovation for mobile users. The committee also helped plan the fifth annual Adaptable Lawyer Track, which was held during the State Bar Annual Meeting in Austin on June 26-27, 2014. Jim Calloway, a law practice management expert and technology guru with the Oklahoma Bar Association, delivered the keynote speech.

WOMEN IN THE PROFESSION

Elizabeth M. Marsh, Chair

The Women in the Profession Committee is committed to promoting the status of women attorneys in Texas. The committee met regularly and also in conjunction with the Texas Minority Counsel Program. Three committee members participated in interviews for the selection of a new State Bar minority director.

This year, the committee co-sponsored “Women in the Law: Leading, Empowering, Succeeding,” a conference providing a forum for the discussion of issues faced by women lawyers and the tools to empower them to succeed in their practice. The conference was sold out and highly praised by those in attendance.

The committee continued its work on a program titled “The Next Generation of Solutions to Retain and Advance Women Lawyers.” The presentation will be made to members of law firm management committees in Texas, among others. The committee also continued its promotion of *Rough Road to Justice: The Journey of Women Lawyers in Texas* by Betty Trapp Chapman, which highlights the history of the careers and accomplishments of women lawyers in Texas.

The committee continued its work to maintain a list of awards for women lawyers and to gather and post statistical data regarding women lawyers. **TBJ**