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LEGAL SERVICES TO THE POOR IN CIVIL MATTERS • LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS  
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## 2017-2018 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, go to [texasbar.com/committees](http://texasbar.com/committees) or call (800) 204-2222, ext. 1516.

PATTERN JURY CHARGES—BUSINESS, CONSUMER, AND EMPLOYMENT • PATTERN JURY CHARGES—CRIMINAL  
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## ADMINISTRATION OF RULES OF EVIDENCE

*Leslie Sara Hyman, Chair*

The Administration of Rules of Evidence Committee continues to evaluate the rules of evidence to ensure they are internally consistent, match the actual practice of law, and, to the extent possible, track the Federal Rules of Evidence. The rules under substantive review and the subcommittee chairpersons are:

Rule 503 as relates to electronically stored information—Peter Haskel

Rule 503(a)(5)—Alex Bell

Rule 503(b)(1)(C)—Peter Haskel

A subcommittee chaired by Johnathan Stone is also considering whether the limited accountant privilege contained in the Texas Occupations Code warrants a change to the Texas Rules of Evidence. A subcommittee chaired by Alex Bell is reviewing the latest changes to the federal hearsay rules to determine whether to make corresponding changes to the Texas Rules.

The committee recently agreed on a proposed change to the portion of Rule 609 concerning juveniles. The proposed change will go to the Supreme Court Advisory Committee for consideration.

At the request of the committee, the State Bar of Texas adopted a revised description of the committee's purpose: To monitor the Texas Rules of Evidence, receive and consider comments regarding the Rules, and propose revisions to the Rules of Evidence and the statutes of Texas relating thereto.

## ADVERTISING REVIEW

*Stephen L. Tatum, Chair*

The committee continues to work in the pursuit of three objectives: (1) educate State Bar of Texas members about the provisions of the Advertising Review Rules, (2) provide guidance concerning compliance with Part VII of the Advertising Rules, and (3) ensure compliance with the Advertising Rules.

The committee was charged by 2017-2018 State Bar President Tom Vick to review both the policies and procedures of the department and to start reviewing the need for possible rules revisions.

The committee overhauled the correspondences sent out by staff. The revised correspondences clarified the review process, increased the amount of time attorneys have to send in revisions, and opened up avenues for attorneys to contact staff with revisions.

Gene Major, director of the Advertising Review Department; Michael Dobbs, program coordinator for the department; and committee members gave a number of live CLE presentations to educate lawyers and others about the requirements and restrictions imposed by the Advertising Rules.

The committee met throughout the 2017-2018 bar year to provide staff with guidance concerning the rules and assisted staff in reviewing more than 3,400 applications.

## ANNUAL MEETING

*Wendy Burgower, Co-Chair*

*Chris Popov, Co-Chair*

The 2018 Annual Meeting took place in Houston on June 21-22. The Annual Meeting Committee offered a diverse selection of quality CLE.

With more than 80 informative learning sessions, this year's meeting featured programs for everyone from the first-year associate to the seasoned professional. State Bar of Texas sections provided practice-specific programs as well as joint events, including the Adaptable Lawyer track and the Business Law and Corporate Counsel sections.

During the General Session, 2017-2018 State Bar President Tom Vick gave parting remarks and Joe K. Longley was sworn in as 2018-2019 president. At the Texas Young Lawyers Association reception, 2017-2018 TYLA President Baili Rhodes thanked young lawyers for their service and gave farewell remarks. Sally Pretorius was sworn in as the 2018-2019 TYLA president. The Houston community and law firms statewide deserve acknowledgement and gratitude for their dedicated support of the Annual Meeting.

Be sure to mark your calendars for the 2019 Annual Meeting in Austin on June 13-14.

## CHILD ABUSE AND NEGLECT

*Tiffany Crouch Bartlett, Chair*

This year the Child Abuse and Neglect Committee has focused on a mentorship program for youth in the permanent conservatorship of the Texas Department of Family and Protective Services. Although the program has not yet begun—the project is in the infancy stages—the foundation is being built. Through a proposed partnership with Kidsave Weekend Miracles, the committee hopes to bring children in foster care together with volunteer host families through weekends spent together. The goal for every child is a lifelong, caring relationship with at least one safe, stable adult. This can lead to adoptions, guardianships, and long-term mentoring relationships. Tabitha Charlton, as chair of the subcommittee for the mentorship program, has made tremendous progress in making this dream a reality. The Texas program will begin in Houston, with the hope that it will soon spread across the state. In addition to this exciting project, Tiffany Crouch Bartlett, current chair of the committee, will serve as course director for the Child Abuse and Neglect Seminar at the Advanced Family Law conference in San Antonio on August 15. The program centers on the ethics of representing children and parents and will include a panel with Texas Supreme Court Justice Debra Lehrmann.

## CONTINUING LEGAL EDUCATION

*Hon. Xavier Rodriguez, Chair*

The Continuing Legal Education Committee met twice with the State Bar Board's Professional Development Subcommittee and bar staff to propose topics for future CLE programs and to discuss challenges and opportunities facing Texas-BarCLE and TexasBarBooks. In recognition of the trend moving toward online CLE, expanding webcasts and online classes remains a priority. With legal developments readily available on the internet, TexasBarCLE will focus its programs on emphasizing practical consequences—how changes in law affect practice. Scholarships are available for all live and online

programs and for TexasBarBooks publications, and the number of attorneys applying has steadily grown. The goal is to take price out of the equation in the decision to attend a bar CLE program. In 2017, the CLE Committee established the Pat Nester Innovation in Professional Development Award, which recognizes an individual whose innovative contributions have substantially advanced continuing legal education in Texas.

TexasBarCLE and the Texas Computer and Technology Section have created free videos addressing technology issues, which can be found at the new Technology Resources page at [texasbar.com/tech-resources](http://texasbar.com/tech-resources).

TexasBarBooks added the *Texas Foreclosure Manual* and the *Texas Business Organizations Manual* to its online subscription service, available through a monthly or annual subscription. New editions of *Texas Pattern Jury Charges—Family & Probate*, the *Texas Collections Manual*, and *Essentials of Texas Water Resources* were also released.

## COURT RULES

*Kennon L. Wooten, Chair*

The Court Rules Committee worked on several proposed rules during the 2017-2018 bar year. In January 2018, the committee submitted proposed amendments to Texas Rule of Appellate Procedure 9.4 to the Texas Supreme Court for consideration. Those amendments clarify briefing requirements in cross-appeals. In March 2018, the committee finalized two additional proposals for the court: (1) a proposal pertaining to Rule 11 of the Texas Rules of Civil Procedure that provides guidance regarding agreements entered by electronic means; and (2) a proposal pertaining to TRAP 10.5 that simplifies the procedure for seeking a first, unopposed extension of time to file certain documents.

Beyond the proposals referenced above, the committee has analyzed the need for amendments to multiple rules, including TRCP 21a, 190.4, 193.3, 202, 205, and 226a. The committee also has considered the need for new procedures to enable minors who are victims of cyberbullying to ascertain the identity of alleged, anonymous cyberbullies. Having concluded that

such a need exists, the committee is drafting the new procedures. Finally, the committee intends to analyze potential TRAP amendments to clarify cost procedures relating to an appellee's requests to supplement the clerk's record.

## DISABILITY ISSUES

*Lynda E. Frost, Chair*

For the 2017-2018 bar year, the Disability Issues Committee had several focus areas designed to provide support and resources to Texas attorneys and law students with disabilities, as well as members of the public affected by a disability.

*Courtroom Accessibility:* Together with the Office of Court Administration and the Governor's Committee on People with Disabilities, the committee compiled information on legal requirements for courtroom accessibility to distribute to courts around the state. Once the information is available statewide, the committee will explore ways to educate court staff and judges about the requirements.

*Law Students with Disabilities:* The committee developed a Law School Accessibility Survey for Texas law students to identify needs for helping students with disabilities easily find appropriate academic accommodations and disability-related services.

*Communications Access Fund:* The committee developed this program a number of years ago and now promotes it as a State Bar program that reimburses attorneys for sign-language interpreters and other auxiliary aids and services required by law to provide effective communication with clients.

*Special Education, Child Welfare, and the Juvenile Justice System CLE:* The committee co-sponsored the 14th annual program highlighting issues surrounding children and the legal and education systems.

## DIVERSITY IN THE PROFESSION

*Glenwood F. Hill II, Chair*

The Diversity in the Profession Committee continued its efforts to enhance opportunities for attorneys from diverse backgrounds and increase the participation of attorneys from diverse backgrounds in State Bar activities. The committee furthered these goals by promoting its flagship

program, the Texas Minority Counsel Program, or TMCP, and sponsoring several statewide mentoring and education programs. TMCP provides mentoring, networking, and business development opportunities for attorneys from diverse backgrounds who desire to work in or with law firms, corporations, or governmental entities. In addition, the committee sponsored the Texas Minority Law Student Program, which gives law students clerkship and networking advice as well as mock interview feedback from local attorneys.

This year's mentoring and educational programs also included the Texas Minority Attorney Program, which provides networking opportunities for solo practitioners and small-firm attorneys from diverse backgrounds, and a statewide K-12 pipeline initiative for scheduling attorney presentations in public schools to encourage students to consider the legal profession. The committee also engaged in strategic planning to identify funding sources and develop programmatic priorities relating to the Bar Exam Study Support Scholarship.

The committee looks forward to increasing the impact of these initiatives in the 2018-2019 bar year.

## JURY SERVICE

*Kaci Sohr Singer, Chair*

The purpose of the Jury Service Committee is to improve the manner in which jurors are treated within the judicial process (including compensation) and develop and implement programs to ensure broad citizen participation and support. To that end, the committee completed a survey to collect opinions of the citizenry on their jury service experiences and thoughts for improvement for the purpose of guiding future committee projects. The committee has continued its outreach efforts with Texas' district and county clerks, including presenting at the clerks' annual conference in June.

The committee has also started focusing on increased communication with the judiciary regarding jury service matters. The 84th Legislature designated the first week of May as Jury Appreciation Week. To mark the third annual Jury Appreciation Week, the committee distributed

guides and ideas for showing jury appreciation to courts and clerks throughout the state. It also worked to publicize the week through print and social media. Finally, the committee prepared and disseminated information about ongoing juror scams impacting Texas citizens in an effort to help educate them and prevent them from being victimized.

## LAW FOCUSED EDUCATION

*Kevin Vela, Chair*

This year, the Law Focused Education Committee worked with Law Focused Education, Inc., to create a new project titled *What do Lawyers Do?* This program was created in response to a request to help lead classroom discussions in schools across Texas. The committee wanted to ensure that its members have tools at their disposal to make the most of their time in classrooms. The *What do Lawyers Do?* program allows attorneys to utilize different web- and print-based modules to facilitate dialogue with students during classroom visits. Each scenario depicts different aspects of the work that attorneys do in their communities. The modules, along with activities, will be available to download at no cost at [texasre.org](http://texasre.org).

The committee continued to meet with local school districts, private school networks, and community groups and provide them with the latest materials developed by the State Bar of Texas Law-Related Education Department. Committee members used these programs to make presentations to classrooms, community groups, and local bar associations. Finally, committee members continue to speak to participants at local law-focused education events and promote the use of the Law Focused Education, Inc., website, [texasre.org](http://texasre.org).

## LAW PRACTICE MANAGEMENT

*Dirk Jordan, Chair*

The Law Practice Management Committee continues to deliver on its three purposes: (1) programs, publications, and other activities conducive to the effective, ethical management of the delivery of legal services; (2) the delivery of legal services at reasonable prices, with sufficient return to ensure the via-

bility of the professional; and (3) an increase of the management knowledge and skills of the members of the bar.

The committee began the year presenting a daylong seminar on June 23, 2017, at the State Bar of Texas Annual Meeting in Dallas. Throughout the year, members of the committee provided ongoing mentorship and training to lawyers in the Texas Opportunity & Justice Incubator program.

In addition, the committee continued to support the Law Practice Management website found at [texaslawpractice.com](http://texaslawpractice.com). The website had an average of approximately 1,600 visitors per month, and “What to do if Your Attorney Dies, Disappears, Becomes Disabled, or is Suspended or Disbarred” was the most popular topic.

Finally, the committee underwent a restructuring project this year to identify initiatives and form subcommittees to more efficiently and effectively address the law practice management needs of Texas lawyers.

## LAWS RELATING TO IMMIGRATION AND NATIONALITY

*Linda Alice Brandmiller, Chair*

The Laws Relating to Immigration and Nationality Committee continues developing ways to share immigration information with the bar since it impacts most practice areas.

The fall meeting in the Rio Grande Valley included a tour of the Port Isabel Service Processing Center, a meeting with U.S. Citizenship and Immigration Services to get the latest information on border issues, and a tour with U.S. Customs and Border Protection of the “wall” to learn the latest strategies for policing the border.

The highlight of the winter El Paso meeting was visiting the U.S. Consulate General in Ciudad Juárez, Mexico. This behind-the-scenes tour, including meetings with division chiefs, provided immeasurable insight into how applications are adjudicated. This is an important connection as the committee continues to track probable restrictions of family based immigration under the current administration.

The spring meeting in Laredo included a discussion with the pre-law students at Texas A&M International University, a presentation from local legal agencies about immigration issues along the border, and a tour of the women’s immigration detention facility and the international bridge.

The summer meeting was held with the State Bar of Texas Immigration and Nationality Law Section at Annual Meeting in Houston.

## LAWYERS’ ASSISTANCE PROGRAM

*Sakina Foster, Chair*

The Lawyers’ Assistance Program Committee assists the Texas Lawyers’ Assistance Program, or TLAP, by creating initiatives and programming for lawyers, law students, and judges related to substance use and mental health disorders, as well as overall well-being.

The Law School Subcommittee conducted 29 presentations, 12 orientations with the Texas Board of Law Examiners, and three wellness fairs. This subcommittee sponsored four wellness programs for the American Bar Association Mental Health Week.

The Anti-Stigma Subcommittee is working to reduce the stigma around seeking help for mental health and substance use disorders. A high-quality video featuring leaders in the bar and in recovery is being produced.

The Wellness Subcommittee is conducting presentations on well-being and preventing impairments to global firms, criminal defense groups, prosecutors, U.S. attorneys, bankruptcy districts, etc. The subcommittee created a new flyer, “Save A Life,” that will be distributed at State Bar CLE programs over the next year, reaching 30,000 lawyers.

The Development Subcommittee is focusing on developing leadership in the Texas legal community, as well as initiatives and resources to support the work of TLAP.

The Populations in Need Subcommittee is reaching out to those struggling with a substance use disorder, especially those who are new to, or struggling in, sobriety. A flyer on “Survival Tips to Stay Sober” will be distributed.

## LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

*Matthew Brian Probus, Chair*

The Legal Services to the Poor in Civil Matters Committee serves as a clearinghouse to monitor developments in and facilitate coordination of efforts with legal aid providers, private organizations, and local bars. The volunteer members of the committee help the State Bar of Texas Board of Directors carry out one of the bar's core missions: to "assure all citizens equal access to justice."

The committee is assessing self-help centers across the state to create a toolkit for local bars and law libraries interested in creating or improving their own self-help centers. For attorneys interested in providing unbundled services, the committee is updating a training on limited scope representation focusing on common practice areas.

The committee contributed to the access to justice track for the State Bar's annual Bar Leaders Conference. The committee set several goals while creating the agenda, including making sure sessions are relevant to small and rural bars in addition to the metro bars, promoting diversity on panels, and focusing on programs or projects that local bars can implement.

Every year, the committee applauds efforts that increase access to justice through its State Bar Pro Bono Excellence Awards. Recipients were recognized at the State Bar Annual Meeting in Houston.

## LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

*Frederico S. Hernandez, Chair*

The Legal Services to the Poor in Criminal Matters Committee brings together members of the criminal justice community with diverse practice experiences and backgrounds to study indigent defense in Texas and develop recommendations for action. The committee includes representatives from public and private practice settings, prosecution and defense functions, the judiciary, court administration, state agencies, and nonprofit organizations.

This committee fosters the State Bar's mission to "advance the quality of legal services" through its work on indigent criminal defense performance guidelines. This year the committee promoted its fourth set of Texas-specific guidelines for attorney performance, focusing on juvenile representation.

The committee continued its work on access to justice issues, including the use of interpreters for limited English-proficiency participants in the criminal justice system and a survey asking new practitioners to identify barriers to accessing a criminal defense practice and potential programs to address that gap. The committee also began work on a publication to ensure defense attorneys are aware of potential immigration consequences.

The committee received strong recommendations for its awards recognizing outstanding legal scholarship and service delivery. Recipients were recognized during the State Bar Advanced Criminal Law Course.

## LOCAL BAR SERVICES

*Santos Vargas, 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. The committee's signature event, the Bar Leaders Conference, brings local bar leaders and State Bar officers and directors together to discover resources and new strategies to tackle common challenges.

The committee also plans the annual Law Day contest. The State Bar and Texas Young Lawyers Association presented statewide awards to 18 students at the Law Day ceremony in Austin. This year's theme, "Separation of Powers: Framework of Freedom," encouraged students to reflect on why the separation of powers is fundamental to our constitutional purpose. In addition, the committee judges the Stars of Texas Bars Awards, which recognize local bar associations for various achievements. Award recipients were acknowledged at the Bar Leaders Recognition Luncheon during

the 2018 State Bar of Texas Annual Meeting on June 21 in Houston.

Outreach to local bar associations through State Bar leadership, staff, and the committee remains strong. Some of the resources available to local bars include speaker coordination, membership assistance, program coordination, and guidance on creating a new association.

## MINIMUM CONTINUING LEGAL EDUCATION

*Nathan Anderson, 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. This year, the MCLE department received approximately 650,000 attendance records and 30,000 applications for accreditation of CLE activities. Over 90 percent of this information was received electronically, via the MCLE website.

This year, the MCLE Committee continued its study of the Accreditation Standards for CLE Activities and monitored changes to the MCLE database, sponsor and member web portals that were deployed in October 2017. The new sponsor and member portals allow for online submission and tracking of course applications.

Changes made to the MCLE Rules and Regulations last year were implemented during this current year. These changes automate deferrals for inactive members and streamline administrative procedures for handling requests for exemptions and extensions.

## PATTERN JURY CHARGES—BUSINESS, CONSUMER, AND EMPLOYMENT

*LaDawn Horn Conway, Chair*

The Pattern Jury Charges—Business, Consumer, and Employment Committee has spent this year finalizing updates and revisions to its upcoming 2018 edition.

The volume will include new charges and comments on equitable remedies, including money had and received, and new contracts questions developed in conjunction with the PJC—Oil and Gas Committee. The 2018 edition will

also include updates to the misappropriation of trade secrets charges, drafted with the assistance of the State Bar Intellectual Property Law Section, to reflect statutory changes to the Uniform Trade Secrets Act. The new volume will also be updated throughout to reflect current statutory and caselaw.

The committee has collaborated closely with the PJC Oversight Committee and the PJC—Malpractice, Premises, and Products Committee to draft a new charge on attorney fiduciary duty. The draft has been finalized and will appear in the malpractice volume's upcoming edition. The committee continues to develop new material for future volumes, including new charges on fair debt collection.

The committee welcomes input from the bench and bar and will post drafts to [texasbarbooks.net](mailto:texasbarbooks.net) before publication. Comments, questions, and suggestions for new topics may be sent to [books@texasbar.com](mailto:books@texasbar.com).

#### **PATTERN JURY CHARGES—CRIMINAL**

*Wendell Odom, Chair*

The Pattern Jury Charges—Criminal Committee is responsible for maintaining four published volumes of model jury instructions for use in criminal cases. The committee released the 2018 edition of the first volume of the series, *Texas Criminal Pattern Jury Charges—General, Evidentiary & Ancillary Instructions*. Included in this edition are new instructions and commentary on the giving of an *Allen* charge, jury punishment on a plea of guilty, and the corroboration of inmate witness testimony, as well as commentary concerning the corpus delicti rule. Going forward, the committee will focus its efforts on revising *Texas Criminal Pattern Jury Charges—Criminal Defenses*, to be released in late 2018.

#### **PATTERN JURY CHARGES—FAMILY AND PROBATE**

*Joyce W. Moore, Chair*

The Pattern Jury Charges—Family and Probate Committee published its 2018 edition of *Texas Pattern Jury Charges—Family & Probate*. Preparation of the new edition followed a review of

caselaw and 2017 legislation. Changes include a revised instruction on joint managing conservatorship and a new question and comment on reimbursement of attorneys' fees by a party who acted in bad faith or without just cause in guardianship proceedings. Commentary on exculpatory clauses in express trusts has been revised, including a new instruction on bad faith and a revised instruction on intentional conduct. Representatives of the committee continued to work with members of other civil pattern jury charges committees regarding proposed coverage of breach of fiduciary duty in other civil PJC volumes. Comments and questions, as well as suggestions for new topics to be included in future editions, may be sent to [books@texasbar.com](mailto:books@texasbar.com).

#### **PATTERN JURY CHARGES—GENERAL NEGLIGENCE, INTENTIONAL PERSONAL TORTS, AND WORKERS' COMPENSATION**

*Daniel B. Linebaugh, Chair*

The Pattern Jury Charges—General Negligence, Intentional Personal Torts, and Workers' Compensation Committee continues reviewing appropriate updates to the 2016 volume. The committee has modified the property damage section to reflect the Texas Supreme Court's holding in the *J&D Towing* case. The committee is also updating the nuisance section to reflect the Texas Supreme Court's definition of nuisance as set forth in *Crosstex North Texas Pipeline v. Gardiner*. The committee is also finalizing a section addressing the Texas Theft Liability Act.

Most recently, the committee has been developing an instruction that reflects both U.S. Supreme Court and Texas Supreme Court authority in situations where a civil party asserts his or her Fifth Amendment privilege. The committee is also evaluating the aggravation of a pre-existing condition instruction to ensure that it properly reflects Texas law.

A subcommittee is working with subcommittees from other PJC volumes to address whether "physical pain" and "mental anguish" should be listed as separate damage elements. Likewise, subcommittees from various PJC volumes continue to contemplate the proper

scope and usages for "occurrence" and/or "injury" in the wake of the *Nabors* opinion.

The committee is open to new ideas and may be contacted at [books@texasbar.com](mailto:books@texasbar.com).

#### **PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS**

*Jack McGehee, Chair*

The Pattern Jury Charges—Malpractice, Premises, and Products Committee submitted its 2018 edition to the bench and State Bar, capping off more than 18 months of revisions, additions, and improvements to the 2016 edition. The 2018 volume contains new material on attorney malpractice cases, addressing breach of fiduciary duty and judicial error. The committee will continue to identify and research new topics for the 2020 edition and expects to clarify the distinction between negligence and premises liability actions and address new issues in proportionate responsibility—both necessitated by recent Texas Supreme Court opinions. The committee also anticipates future revisions to the definition of negligence in attorney malpractice cases. The committee continues to keep a close eye on new developments in Texas law. The mission remains the same—to "get it right."

#### **PATTERN JURY CHARGES—OIL AND GAS**

*Ricardo E. Morales, Chair*

The Pattern Jury Charges—Oil and Gas Committee published its inaugural edition of the pattern jury charges on oil and gas in 2016, building on the efforts of the State Bar Oil, Gas and Energy Resources Law Section's pattern jury charge publication. Since the completion of the 2016 publication, the committee has met regularly throughout the past year and a half in preparation for the new 2018 edition. The committee continues to work with the Pattern Jury Charges—Business, Consumer, and Employment Committee to ensure uniformity on common issues and to provide several new and revised jury questions and issues in both volumes.

The committee's 2016 edition includes charges on adverse possession, trespass, lessor-lessee issues, executive rights, contracts between working interest owners, defenses, and damages. The committee continues to monitor new developments in oil and gas law and update the charges as needed to reflect changes in the law as it applies to jury charges.

The committee welcomes comments and questions, as well as suggestions for new topics, which may be sent to [books@texasbar.com](mailto:books@texasbar.com).

### **PATTERN JURY CHARGES—OVERSIGHT**

*Hon. Jane Bland, Chair*

The Pattern Jury Charges—Oversight Committee serves as a clearinghouse for determining the best among differing approaches for alerting practitioners to changes in the law. The committee provides guidance to the other volumes and also (1) refers public comments for consideration to the appropriate PJC committee, (2) collaboratively resolves inconsistencies for jury instructions that exist across multiple volumes, and (3) reviews proposed additions and revisions for each of the PJC volumes. This year, the committee completed review of additions to PJC Business, PJC Malpractice, PJC Family and Probate, PJC Criminal, and PJC General Negligence. A task force completed its work on pattern charges for breach of fiduciary duty claims, with updates to appear in upcoming PJC volumes. A task force charged with reviewing mental anguish instructions continues its work, with a final report expected in the fall of 2018. The committee encourages practitioners with suggestions for improving the work of the committee to contact the chair or any committee member.

### **PROFESSIONALISM**

*Suzanne M. Duvall, Chair*

In addition to projects such as the SBOT Advisory Network and the "Need Ethics? A Directory of Speakers" database, the committee has continued to support professionalism with innovative new projects in 2017-2018.

The hallmark: the statewide Day of Civility as declared and approved by

the Texas Supreme Court and Court of Criminal Appeals of Texas. The Day of Civility was created to reaffirm the Texas Lawyer's Creed, which calls for attorneys to conduct themselves with courtesy and professionalism toward judges, adversaries, peers, colleagues, and clients. Although April 20 was the official kickoff statewide, local bar leaders are encouraged to hold their own Day of Civility throughout the year. The committee and the State Bar have published a Day of Civility Guide to use to conduct local Day of Civility celebrations. The guide is available upon request from the committee and bar.

Members of the committee are presenting a seminar on mentorship tools at the Bar Leaders Conference on July 21 and working with law schools on ways to help transition from law student to lawyer, and the Judges' Subcommittee is preparing a one-hour CLE course titled "Maintaining Civility and Professionalism in the Twenty-First Century Courtroom."

For more information, go to [texasbar.com/professionalism](http://texasbar.com/professionalism).

### **PUBLIC AFFAIRS**

*Rudy A. England, Chair*

During the 2017-2018 bar year, the Public Affairs Committee worked to ensure the continued success of its Open Government Seminar, co-sponsored by the Government Law Section, at the 2018 State Bar Annual Meeting.

The committee's mission is to expand public understanding of the legal system and to foster relations with the news media to advance that goal.

The Open Government Seminar, hosted June 22, provided lawyers, the media, and the public with lively and informed discussions during panels titled "Social Media and Government Accountability in the Age of Fake News" and "Emerging Issues in Open Government—A Media Perspective."

The committee also hosted the 2017 Texas Gavel Awards, which recognize outstanding Texas journalism that enhances public understanding of our legal system. The committee is proud to continue its partnership with the Freedom of Information Foundation of

Texas to present the awards at the FOIFT annual conference in September 2018.

### **REAL ESTATE FORMS**

*Denise Cheney, Chair*

The Real Estate Forms Committee is responsible for maintaining the *Texas Real Estate Forms Manual* as a reliable source of real estate forms and information for practitioners. The committee monitors changes in real estate and related areas of law and practice at the state and federal levels and revises the manual to keep it up to date. The committee also expands the scope of the manual when necessary to reflect current practice trends and to increase the areas of real estate law addressed. During 2017-2018, the committee modified the forms and practice notes to reflect legislative changes resulting from the 85th Legislature and the Texas constitutional amendments approved by the voters. The supplement to the manual containing the updated forms and materials was published in April 2018.

### **TEXAS BAR JOURNAL BOARD OF EDITORS**

*John G. Browning, 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 Texas Supreme Court, 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 helps set the general editorial direction for the magazine.

In 2017-2018, the Texas Bar Journal Board of Editors examined a number of subjects, including wrongful convictions, the legislative update, higher education law, immigration law, veterans law, agriculture law, and lawyers as leaders. The *Journal* also featured coverage of the Texas Young Lawyers Association's project *Teach Safe. Learn Safe. Be Safe.* The board offered an informative "Year in Review" issue, introduced a legends

column, and conducted its annual Short Story Contest.

### TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

*M. Lewis Kinard, Chair*

The Texas Disciplinary Rules of Professional Conduct Committee includes lawyers from nearly every sector of the State Bar and was commissioned to develop language for the Texas Disciplinary Rules of Professional Conduct on behalf of the State Bar Board of Directors. This past year, the committee worked on guidance for practitioners in the form of proposed rule language, comment language, and other practice guidance. Three areas of focus were (1) guidance for lawyers wishing to sell or purchase some or all of a law practice, (2) guidance on retention and destruction of client files, and (3) guidance to lawyers whose clients have lost full mental capacity during representation.

The committee wants to acknowledge the hard work of its participants, especially Lillian Hardwick and Frederick Moss, who spent considerable time in drafting practice tip guidelines for the ethical retention of client files and sale of a law practice. Due to the creation of the new statutory Committee on Disciplinary Rules and Referenda, this committee is expected to be decommissioned by the end of the bar year.

### WOMEN IN THE PROFESSION

*Jennifer C. Wang, Chair*

The Women in the Profession Committee works to elevate the standing of women attorneys in Texas. The committee met regularly this year to build and expand a virtual network using Texas Bar Connect to share news and opportunities about professional development and news relevant to women attorneys. Reaching out to other similarly focused groups, such as the University of Texas

Center for Women in Law and TYLA's Lawyers Who Lunch, WIP seeks to build a social network through Texas Bar Connect that will help all women further their careers.

The committee continued to explore new ways to package a video CLE presentation that helps identify barriers that prevent women lawyers from obtaining full rewards of the profession and identify possible solutions to address discrimination, retention, and promotion of women.

Additionally, the committee launched a new initiative to develop a mentoring program that will help women across the state, particularly those in small cities and towns, establish relationships with mentors. It also planned an event at the State Bar's annual Texas Minority Counsel Program to celebrate women trailblazers, such as those whose stories are told through the committee's book *Rough Road to Justice: The Journey of Women Lawyers in Texas*. **TBJ**



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