



2020-2021 STATE BAR OF TEXAS

COMMITTEE REPORTS

Committee reports are included in the July/August 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 or call 800-204-2222, ext. 1516.

ADMINISTRATION OF RULES OF EVIDENCE

Johnathan Stone, Chair

The Administration of Rules of Evidence Committee evaluates the Texas Rules of Evidence to ensure they are internally consistent, match the actual practice of law, and track the Federal Rules of Evidence. This bar year, the committee recommended revising the language in Rule 404 to make disclosure of the evidence prosecutors intend to rely on at trial mandatory and no longer only available upon request by a defendant. It also recommended expanding the allied litigants' privilege in Rule 503 to include communications concerning matters of common interest in related pending and anticipated actions. The committee is considering recommendations revising the physician-patient and mental health information privileges in Rules 509 and 510, the dead man's rule in Rule 601, and the ancient documents exception in Rule 803(16). The committee created a subcommittee to liaise with the Court Rules Committee on matters of mutual interest. It also formed new subcommittees investigating Rules 503(a)(5) (exceptions to confidential communication), 614 (exclusion of witnesses), and a Texas Lawyers' Assistance Program privilege.

ADVERTISING REVIEW

Al Harrison, Chair

The Advertising Review Committee had been working on preparing for two landmark events. With the passage of the new rules as of the 2021 Rules Vote, it will be the first time since the advertising rules were enacted that they have been completely revised. One of the main changes is that the absolute prohibition on trade names is rescinded. Trade names are allowed as long as they are not false and misleading. The ARC will be coming out with an interpretive comment on trade names next bar year. One of the other major departures from the current rules is that the disclosure language for past successes and results is no longer a requirement. There is also language in the new rules that addresses the use of social media and solicitation communications. The other landmark

event is the new Advertising Review Department database, which allows attorneys to file their advertisement or solicitation communication electronically from their My Bar Page. Additionally, staff will be able to denote the violation and any other recommendation or explanation on the submission. The submitter will be able to receive an email back from the Advertising Review Department and be able to view the violation electronically and submit any changes.

ANNUAL MEETING

Due to the ongoing pandemic, the 2021 Annual Meeting scheduled for June 17-18 in Fort Worth was canceled. Instead, a virtual Annual Meeting took place. With more than 25 informative learning sessions of up to 10 hours of video on demand CLE, this year's meeting featured programs for everyone, from the first-year associate to the seasoned professional. State Bar sections provided practice-specific programs, including Computer & Technology: Being an Adaptable Lawyer; Legislative updates and programs on diversity and inclusion; General Practice, Solo & Small Firm; and Family Law. Friday's programming included parting remarks from 2020-2021 President Larry McDougal and 2020-2021 Texas Young Lawyers Association President Britney Harrison, the swearing in of 2021-2022 President Sylvia Borunda Firth and 2021-2022 TYLA President Jeanine Novosad Rispoli, and a brief presentation of awards. Be sure to mark your calendars for the 2022 Annual Meeting on June 9-10 in Houston.

CONTINUING LEGAL EDUCATION

Scott Rothenberg, Chair

The Continuing Legal Education Committee met with the State Bar Board of Directors' Professional Development Subcommittee and bar staff to propose topics for CLE programs and to discuss issues facing TexasBarCLE and Texas Bar Books. TexasBarCLE is proud to have been able to transition live courses, programs, and institutes to webcasts over the past year. As a result, TexasBarCLE continues to

be the go-to source for CLE for Texas attorneys. TexasBarCLE continues to offer free programming to help Texas attorneys advise and represent their clients in the areas needed most—force majeure due to COVID-19, claims arising out of freezes and power outages, implicit bias, lawyer well-being during COVID-19, evictions, the Paycheck Protection Program, and dealing with depression and suicide. Texas Bar Books launched a new website called texasbarpractice.com, which serves as the new platform for Texas Bar Books and the Law Practice Management Program. The new website offers lawyers a single place to explore free practice management content; shop for practice manuals, jury charges, deskbooks, and reference guides; and subscribe to online practice manuals with downloadable forms. Scholarships are available for all CLE programs and Texas Bar Books publications.

COURTS RULES

Robert Burns, Chair

Since the last report, the committee has worked on several proposals that are being submitted to the Texas Supreme Court for consideration, including additions to the Texas Rule of Civil Procedure 226a, relating to implicit bias jury instructions; an addition to TRCP 199.2(b)(1), requiring before or shortly after a notice is served for the deposition of an organization that the server and the organization confer in good faith about the matters for examination and any documents requested to be produced; an addition to the new TRCP 192.2(a), prohibiting a party from serving discovery until after initial disclosures are due; and a revision to Texas Rule of Appellate Procedure 49.7, clarifying the timing for filing and content of a motion for en banc reconsideration, along with a suggested explanatory comment. The committee is also considering new rules to address proper procedures for remote discovery, hearings, and trials.

DISABILITY ISSUES

Sean Pevsner, Chair

Over the past year, the Disability Issues Committee educated members of the bar and the public on legal issues

facing Texans with disabilities. The committee invited guest speakers to discuss issues in disability rights law. The committee collaborated with these speakers to plan CLE activities on supported decision-making and FHA and *Olmstead* rights cases. Additionally, the committee is developing programs for disabled veterans' benefits and law school education. The mental health subcommittee invited the Texas Lawyers' Assistance Program to speak at a quarterly meeting and provide insight on the TLAP's capacities in relation to mental health conditions and substance use issues. The subcommittee seeks to use this information in future projects. The committee continues to correspond with Texas courthouses regarding compliance with Title II of the Americans with Disabilities Act. Collaborating with state courts, the committee aims to ensure court personnel are providing reasonable accommodations, such as sign language interpreters and accessible documentation, to people with disabilities who attend court hearings.

DIVERSITY IN THE PROFESSION

Tracy C. Almanzan, Chair

The Diversity in the Profession Committee continues to enhance opportunities for attorneys from diverse backgrounds and to increase their participation in State Bar of Texas activities. A committee goal for 2020-2021 was to increase funding for the bar prep scholarship program and to award more recipients with these scholarships. The committee received a \$15,000 grant from the Texas Bar Foundation and obtained several vouchers from BARBRI, Themis, and Kaplan. In 2018-2019, the committee awarded five scholarship recipients with vouchers from bar prep companies; in 2019-2020, the committee awarded over \$20,000 to more than 20 Texas law students; and this year, the committee awarded over \$26,750 to 15 law students taking the Texas Bar Exam. In October 2020, the committee supported the annual Texas Minority Counsel Program that provided continuing education, client development training, and networking opportunities. The

committee also hosted the Texas Minority Law Student Program at Texas Tech University School of Law. Additionally, the committee conducted an outreach program for K-12 students in San Antonio. Finally, the committee also submitted articles related to diversity to be included in issues of the *Texas Bar Journal*. For more information about the Diversity in the Profession Committee, go to texasbar.com/dipcommittee.

JURY SERVICE

Steven Michael Denny, Chair

The Jury Service Committee has been hard at work (remotely) this year ensuring that now, more than ever, the importance of jury service is clearly communicated to the public and that the safety and respectful treatment of jurors once we get them to the courthouse is ensured. The committee sought partnerships with other committees to ensure integration of bar objectives—specifically, the Law Focused Education Committee and a project titled “Overview of the Texas Jury System.” The committee continues work on the “Juror’s Bill of Rights” (working title), which is a list of best practices for the handling of jurors throughout the jury system. It includes considerations for parking, breaks, access to communication devices, and other things jurors have indicated from online surveys that affected their prior service. The committee is especially excited about its public service announcements featuring notable Texans encouraging jurors to respond when called for jury duty. The committee plans to start production on those PSAs soon. To protect potential jurors, the committee is working on producing materials to assist law enforcement in identifying and preventing jury scams through public education. Additionally, the committee discusses safety issues specific to COVID-19 from around the state at every meeting.

LAW FOCUSED EDUCATION

Adam C. Falco, Chair

The Law Focused Education Committee members have stayed busy

and active by continuing to meet with local school districts, private school networks, and community groups providing the latest Texas Law-Related Education Department materials (texaslre.org). Committee members used the Law-Related Education web-based materials to give presentations to classrooms, community groups, and local bar associations. The committee continued helping and supporting the annual Texas Citizen Bee, the statewide civic education program and two-part competition, which was held virtually this year (citizenbee.org). In the upcoming year, committee members will continue speaking with participants at local Law Focused Education events, promoting the use of the Law Focused Education, Inc., website, and working on a U.S. Constitution amendment video project.

LAW PRACTICE MANAGEMENT

E. Steve Bolden II, Chair

The committee continued its focus to fulfill its purposes: (1) the implementation of programs conducive to the effective, ethical delivery of legal services; (2) the delivery of legal services at reasonable prices, with sufficient return to ensure viability; and (3) an increase in the management skills of State Bar members. The Succession Planning Initiative was the focus of the committee. First, the committee is pleased that the rules referendum providing for agreed custodian designations passed—this helps with the committee’s initiative. The new rule allows for a simplified voluntary procedure to appoint a custodian to help wind up the practice of a lawyer who has ceased practicing and gives the custodian liability protection for undertaking custodian tasks. In furtherance of the rule change and our initiative, committee members have given and will give CLE presentations concerning succession planning and are also drafting template succession planning documents. The revamped Law Practice Management website went public. Go to texasbarpractice.com/law-practice-management/ to see content regarding starting a practice, maintaining a practice, growing a practice, and closing

a practice. Finally, the committee is starting a project to assist with linking lawyers considering transitioning out of practice with lawyers ready to upgrade their law practice.

LAWS RELATING TO IMMIGRATION AND NATIONALITY

Roberto Rivera, Chair

The committee for laws related to immigration and nationality is tasked with providing updates, changes, and information on the effects of immigration law across the State Bar. The committee is composed of mostly immigration attorneys who practice in a variety of different areas of specialization, from corporate immigration to humanitarian immigration and family based immigration. Historically, a large part of the committee's activities has been centered on meeting with the U.S. Department of Homeland Security and U.S. Department of State officials on tours and site visits to gain a boots-on-the-ground assessment of current immigration policies. Unfortunately, for much of this past year, DHS facilities have been closed or were operating with restrictions on who could enter their buildings. Nevertheless, several upcoming meetings are in the works now that DHS has reopened its offices and has resumed operations. The committee is eager to gain insight on any changes to immigration policy so that it may provide this valuable information to the State Bar.

LAWYERS' ASSISTANCE PROGRAM

Tracy Squires, Chair

This 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 other mental health disorders as well as providing overall well-being support. *Law Schools and Suicide Prevention Subcommittee.* This subcommittee expanded outreach to law students with significant focus on suicide prevention. Through this subcommittee, TLAP initiated Student Support Sessions

offered via Zoom. It also assisted TLAP in the creation of a groundbreaking suicide prevention video and printed promotional materials. *Special Populations and Anti-Stigma Subcommittee.* This subcommittee improved TLAP's outreach to African American, Latinx, LGBTQIA, and other minority lawyer and law student populations. It expanded diversity programming by creating programs featuring special populations, including first-generation lawyer wellness, minority-women lawyer wellness, impostor syndrome, and more. It also planned a new video incorporating diverse speakers supporting law students of special populations. *Improving Help to Solos and Law Firms Subcommittee.* This subcommittee focused on improving TLAP's outreach to both solo attorneys and law firms. Its work resulted in a major plan to utilize more judges, distribute local mental health resources in communities across Texas, and create free practice area-specific local well-being CLE. Additionally, this subcommittee added programming for paralegals.

LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

Eric Garza, Chair

The Legal Services to the Poor in Civil Matters Committee concerns itself with the creation and means of implementation of programs, such as legal aid or pro bono efforts, to assure delivery of legal services in civil matters to all Texans. The committee comprises attorneys and advocates from law firms, legal aid providers, law schools, and corporations all committed to enhancing access to justice. As done each year, the committee recognized deserving individuals, groups, and entities that perform exceptional work in the field of legal services to the poor through the Pro Bono Excellence Awards. Seven awards are given, and honorees are recognized during the State Bar of Texas Annual Meeting. Throughout the year, the committee monitored issues and challenges met by attorneys working hard to ensure access to justice for all Texans, including those affected by the pandemic. In addition,

the committee received regular reports from the Texas Access to Justice Foundation, the Texas Access to Justice Commission, and the Legal Access Division of the State Bar of Texas.

LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

Jani Maselli Wood, Chair

The Legal Services to the Poor in Criminal Matters Committee serves one of the State Bar of Texas' purposes by providing legal services to and combatting current legal issues of the indigent. The committee comprises members of the judiciary, prosecution, and public defense, as well as representatives of court administration, state agencies, and nonprofit organizations with a focus on indigent defense. Projects this year included: (1) updating the State Bar performance guidelines for non-capital criminal defense representation to reflect changes in the law; (2) discussing the mandated ability-to-pay inquiries regarding court costs and how to encourage compliance in the courts and with practitioners; (3) developing guidelines for the state when prosecuting indigent and pro se defendants; and (4) the continued promotion of guidelines for the representation of juvenile defendants. The committee also received excellent recommendations for its Michael K. Moore and Warren Burnett awards. The awards recognize individuals or groups who provide exceptional research or writing representing significant contributions to the knowledge and practice of law as well as providing quality legal representation to indigent defendants in Texas.

LOCAL BAR SERVICES

C. Michael Davis, Chair

The Local Bar Services Committee enhances communication between State Bar leadership and local bar associations to assist local bar leaders in the development of their associations. Resources available from the State Bar's Local Bar Services Department include speaker coordination, membership assistance, program coordination, and guidance on creating a new association.

Yearly, the committee plans the annual Law Day contest, Stars of Texas Bars Awards, and the Local Bar Leaders Conference. The Stars of Texas Bar Awards recognize local bar associations for outstanding involvement and commitment to the legal profession. Unfortunately, these events were canceled this past year due to COVID-19. To continue providing services to the bar during the pandemic, the committee coordinated a quarterly virtual speaker series on a variety of topics for bar members. The committee will resume the annual Law Day awards this year for local bars that are holding a contest, and the winners will be recognized on the State Bar website and in the *Texas Bar Journal*. The Local Bar Leaders Conference is tentatively scheduled to resume in January 2022.

MINIMUM CONTINUING LEGAL EDUCATION

John Boyce, Chair

The Minimum Continuing Legal Education Committee administers the minimum continuing education program established by Article XII of the State Bar Rules and the regulations and accreditation standards promulgated therefrom. Most of the committee's work consists of reviewing proposals for accreditation of an activity such as a conference, presentation, or video. The staff presents the committee the few proposals for which there is any question. The issue is usually whether the program consists of legal education or ethics within the definition of accreditation standards. Though not always clear, this task is intellectually challenging. Proposal fees generate revenue for the bar, and the committee's approval can mean commercial success for some applicants. It is a far larger task than most attorneys realize. The staff receives over 48,000 applications a year from non-accredited sponsors, out-of-state attorneys seeking credit, and existing accredited sponsors. It would not have been possible to review such an amount without the dedication of the committee's fabulous staff, particularly Erica Rodriguez. The State Bar of Texas Board of Directors charged the committee with making

recommendations on changes to the MCLE standards to allow courses on implicit or explicit bias and wellness to count toward ethics credit. It recommended offering such courses on a voluntary basis.

PATTERN JURY CHARGES—BUSINESS, CONSUMER, INSURANCE & EMPLOYMENT

William J. Chriss, Chair

The PJC Business, Consumer, Insurance & Employment Committee spent this year completing work on its 2020 volume and has begun work on materials for its next edition in 2022. The committee finalized new questions on fraud and employment, as well as an updated discussion on justifiable reliance. These are included in the 2020 edition along with a comprehensive update to the questions and instructions covering piercing the corporate veil, defamation, and attorneys' fees. The committee continues work with the Oversight Committee and the other civil law drafting committees on updates and revisions that affect multiple volumes. For example, in collaboration with the PJC Oil and Gas Committee, the committee is reviewing proposed revisions to the contracts section appearing in both volumes, as well as participating in other cross-volume subcommittees that are considering updates to sections on exemplary damages and proximate cause. The committee continues to study several new questions and instructions for the 2022 edition. The committee welcomes suggestions for new material as well as questions and comments from the bench and bar, which can be sent to books@texasbar.com.

PATTERN JURY CHARGES—CRIMINAL

Wendell Odum, 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 recently released the 2020 edition of the *Texas Criminal Pattern Jury Charges Crimes Against Persons & Property*. New in this

edition are instructions and commentary on sexual assault of a child, assault by occlusion or impeding breath, and injury to a child with lesser-included offenses, as well as all-new chapters for offenses against the family and transportation code offenses. The committee has focused efforts on facilitating the online transition of the Texas Criminal Pattern Jury Charges volumes, which will be offered in a subscription model with accessible pricing. Amid this work, the committee is also creating new charges and revising existing charges and commentary to reflect current statutory and caselaw.

PATTERN JURY CHARGES—FAMILY AND PROBATE

Chris Nickelson, Chair

Since the publication of the 2020 Edition of the Texas Pattern Jury Charges—Family and Probate, the committee published a supplemental slip insert for all purchasers containing completely rewritten charges and commentary for termination of the parent-child relationship. This was in response to the 2020 amendments to Texas Rules of Civil Procedure 277, which required separate jury findings rather than broad-form questions for each individual statutory ground for termination, as well as a finding on whether termination is in the best interest of the child. The supplemental insert also contained new commentary addressing last year's Texas Supreme Court opinion *In re C.J.C.*, a case addressing fit-parent presumptions in modifications of conservatorships. Finally, the insert provided practitioners with updated jury questions for will contents by interested parties who are neither designated beneficiaries nor named executors or administrators. The committee is monitoring legislative developments and is studying possible new charges for outpatient mental health commitments, for actions based on breaches of privacy in divorces, and for actions for contempt in failing to comply divorce decrees. Comments, questions, and suggestions for new topics for inclusion in future editions may be sent to books@texasbar.com.

PATTERN JURY CHARGES— GENERAL NEGLIGENCE, INTENTIONAL PERSONAL TORTS & WORKERS' COMPENSATION

Paula Knippa, Chair

Our committee reviews and revises the *Texas Pattern Jury Charges General Negligence, Intentional Personal Torts & Workers' Compensation* volume to ensure that it reflects Texas law and its developments. The 2020 edition incorporates a new instruction that addresses the “eggshell plaintiff” and advises how to address this issue. Also included is a significant update to the attorneys’ fees section of the Texas Theft Liability Act to conform to the Texas Supreme Court’s holding in *Rohrmoos Venture v. UTSW DVA Healthcare, LLP*, 578 S.W.3d 469 (Tex. 2019), as well as clarifying comments on who may recover attorneys’ fees in *Agar Corp., Inc. v. Electro Circuits Int’l, LLC*, 580 S.W.3d 136 (Tex. 2019). For purposes of the 2022 publication, the committee is currently working on: (1) “cap-busting” provisions; (2) updating inferential rebuttals; (3) updating the definition of “proximate cause”; (4) a new negligent undertaking instruction; (5) alternative damages questions based on use of “injury” or “occurrence”; (6) revisions to the damages section of Trespass and Nuisance; (7) updating “Property Damages” to include “lost profits” as well as to clarify that this section refers solely to personal property; (8) revisions to statutory dram shop liability; and (9) a revised definition of “physical impairment.”

PATTERN JURY CHARGES— MALPRACTICE, PREMISES & PRODUCTS

Laura M. Trenaman, Chair

The Pattern Jury Charges—Malpractice, Premises & Products Committee submitted its 2020 edition to the bench and State Bar, capping off more than 18 months of revisions, additions, and improvements to the 2018 edition. The 2020 volume contains new material distinguishing between pre-existing conditions and the “eggshell” plaintiff. Additionally, questions about liability in emergency-

care cases received a comprehensive update; jury instructions for the Emergency Medical Treatment and Active Labor Act were revised; and questions for joint-and-several liability, as well as for exceeding normal limits on exemplary damages, were amended to reflect recent legislative changes. The committee expects to revise guidance to practitioners about proximate causation as well as how best to question juries about personal injury damages—both necessitated by recent Texas Supreme Court opinions. The committee also anticipates future revisions to various issues covered in premises and products liability commentary, such as proper pleading practices in premises actions and presumptions raised by governmental approval in products cases. The committee is committed to keeping a close eye on new developments in Texas law and welcomes comments and suggestions, which may be sent to books@texasbar.com. The mission remains the same—to “get it right.”

PATTERN JURY CHARGES— OIL AND GAS

Ricardo E. Morales, Chair

The PJC Oil and Gas Committee has published its 2020 edition and is now beginning work on its next volume. The 2020 edition includes new material on statutory waste, an updated discussion on attorneys’ fees, and has been updated throughout to reflect current caselaw. The committee has worked closely with the other civil drafting committees and the PJC Oversight Committee on overlapping issues and will continue to do so for its next edition. In preparation for the 2022 volume, the committee will begin to review current material to consider where updates are needed and what new issues should be addressed. The committee has been reviewing charges on trespass and drafting new materials on nuisance and is collaborating with the General Negligence volume to complete materials for inclusion in the 2022 edition. Additionally, the committee is working with the PJC Business committee to review and update contracts charges appearing in both

volumes. The committee is also working closely with a cross-volume subcommittee to update the discussion of proximate cause appearing in all volumes. The PJC Oil and Gas Committee welcomes suggestions for new material and questions or comments from the bench and bar. Feedback can be sent to books@texasbar.com.

PATTERN JURY CHARGES— OVERSIGHT

Daniel Hinde, Chair

The PJC Oversight Committee supports the drafting volumes in their work in order to ensure accuracy and clarity of their jury charges and consistency among the volumes. The committee met virtually throughout the year to finalize material for the 2020 volumes and to begin preparing for the 2022 editions. The committee reviewed and provided guidance on final updates to the discussion of pre-existing conditions included in the General Negligence and Malpractice volumes and reviewed new material on statutory waste for the Oil and Gas volume. The committee also worked with the PJC Business, Consumer, Insurance & Employment Committee on its new questions on employment and fraud and an updated discussion on justifiable reliance. Additionally, the committee provided support for the PJC Criminal Committee in its work as it begins the process of comprehensively updating and reformatting its charges. Following the completion of materials for the 2020 volumes, the committee has begun work with each volume on new projects and materials for 2022. This includes working with several cross-volume subcommittees on updates to issues affecting multiple volumes, including exemplary damages, proximate cause, contracts, and nuisance. The committee welcomes input from the bench and practitioners. Please send comments and questions to books@texasbar.com.

PROFESSIONALISM

Sarah P. Springer, Chair

The Supreme Court and the Court

of Criminal Appeals have declared September 17—Constitution Day—as the statewide Day of Civility. The committee has been working with the bars of Dallas, Houston, San Antonio, Austin, and Nueces County on the program for the Day of Civility, themed “Culture of Respect” and making it available statewide. The keynote speaker will be Judge Carl E. Stewart, of the U.S. Court of Appeals for the 5th Circuit. Other statewide noteworthy speakers are on the roster; all bar associations are invited to enjoy the program. The committee’s ethics directory is being revamped to be more accessible, user-friendly, and informative. Mentorship is focusing on social media, TYLA, and law schools to promote mentor/mentee relationships. Texas Lawyers Professionalism is the committee’s Facebook outreach. This year marks the beginning of the fourth decade of the Texas Lawyer’s Creed. COVID-19 has made getting out the word in person difficult, but the committee is full of ideas and exciting plans and looks forward to the new world once everyone has been freed from the grip of the pandemic. For more information on professionalism resources, go to texasbar.com/professionalism.

PUBLIC AFFAIRS

Julie Doss, Chair

The mission of the Public Affairs Committee is to expand public understanding of the legal system and to foster relations with the news media to advance that goal. During the 2020-2021 bar year, the committee hosted the 2020 Texas Gavel Awards and accepted submissions for the 2021 awards. Through the Texas Gavel Awards, the committee honored outstanding Texas journalism that enhanced public understanding of our legal system. Learn more about the awards and read the winning pieces at texasbar.com/gavelawards.

REAL ESTATE FORMS

Sara E. Dysart, Chair

The State Bar of Texas published the 2021 edition of the *Texas Real Estate*

Forms Manual in May. The Real Estate Forms Committee reviewed the existing manual and drafted updates to the practice commentary and forms. Revisions reflect recent caselaw, as well as guidance on navigating challenges related to the evolving circumstances of the COVID-19 pandemic. The real estate sales contract has been completely revised and reimagined, with a new checklist form created to help attorneys complete the contract. The 2021 edition also provides new forms and includes references to recent State Bar CLE articles. The manual is now available as two sleek softbound volumes, as well as in both online and downloadable versions that offer enhanced word-processing forms. The online and downloadable versions provide links to primary research, including cases, statutes, and CLE articles. The manual serves as a starting point for recognizing issues and drafting documents for real estate transactions. Since 1970, committee members have identified and responded to changes in the law and enhanced the value of this manual. A recurring goal of the committee is to provide relevant information and resources for understanding how to handle a real estate transaction.

TEXAS BAR JOURNAL BOARD OF EDITORS

Brent Benoit, 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 a combined July/August issue), the *Texas Bar Journal* is mailed to approximately 123,000 subscribers, is available in digital format, and is the only publication reaching every lawyer in Texas. The Texas Bar Journal Board of Editors reviews legal article submissions, develops issue topics, and helps set the general editorial direction for the magazine. In 2020-2021, the *Bar Journal* examined a number of subjects of interest to Texas lawyers,

including legal history; civil rights and individual liberties; education law; disabilities; white-collar crime; cybersecurity for lawyers; Black History Month from a legal perspective; Women’s History Month from a legal perspective; how the Texas law schools, Texas Young Lawyers Association, and Texas Lawyers’ Assistance Program adapted to the pandemic; and how the pandemic affected the legal profession. The *Bar Journal* also offered an informative “Year in Review” issue and conducted a 2021 Texas Bar Journal Readership Survey.

WOMEN IN THE PROFESSION

Courtney T. Carlson, Chair

In fall 2020, the Women in the Profession Committee continued identifying barriers facing women in the profession and looked to the past, present, and future of women attorneys to develop new programs and make recommendations to the State Bar Board of Directors. With the changed circumstances and challenges presented by the pandemic, identifying barriers and solutions became even more relevant. The committee’s 2020 objectives were to evaluate “Where We Came From, Where We Are Now, and Where We Are Going.” The committee developed and issued a COVID-19 impact survey focused on changes and challenges Texas women attorneys faced due to the pandemic and possible solutions to address these issues. The committee also continued to promote author Betty Trapp Chapman’s *Rough Road to Justice: The Journey of Women Lawyers in Texas*, which details the many “firsts” of women lawyers in Texas. Additionally, the committee continued monitoring parental leave rules in other states as well as the rule pending before the Texas Supreme Court Rules Committee. A committee member also authored an article for the *Texas Bar Journal* detailing the committee’s formation and history while another committee member served this year on the Task Force on Diversity, Equity, and Inclusion. **TBJ**