

ADMINISTRATION OF RULES OF EVIDENCE • ADVERTISING REVIEW • ANNUAL MEETING
CHILD ABUSE AND NEGLECT • CONTINUING LEGAL EDUCATION • COURT RULES
DISABILITY ISSUES • DIVERSITY IN THE PROFESSION • JURY SERVICE • LAW FOCUSED EDUCATION
LAW PRACTICE MANAGEMENT • LAWS RELATING TO IMMIGRATION AND NATIONALITY • LAWYERS' ASSISTANCE PROGRAM
LEGAL SERVICES TO THE POOR IN CIVIL MATTERS • LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS
LOCAL BAR SERVICES • MINIMUM CONTINUING LEGAL EDUCATION

2018-2019 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 or call 800-204-2222, ext. 1516.

PATTERN JURY CHARGES—BUSINESS, CONSUMER, INSURANCE, AND EMPLOYMENT • PATTERN JURY CHARGES—CRIMINAL
PATTERN JURY CHARGES—FAMILY AND PROBATE • PATTERN JURY CHARGES—GENERAL NEGLIGENCE, INTENTIONAL PERSONAL
TORTS, AND WORKERS COMPENSATION • PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS
PATTERN JURY CHARGES—OIL AND GAS • PATTERN JURY CHARGES—OVERSIGHT
PROFESSIONALISM • PUBLIC AFFAIRS • REAL ESTATE FORMS
TEXAS BAR JOURNAL BOARD OF EDITORS • WOMEN IN THE PROFESSION

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.

Issues currently under substantive review, and the subcommittee chairpersons:

Alex Bell chairs a subcommittee considering whether audit response letters should be included within the protections of Rule 503.

Peter Haskel chairs a subcommittee considering amendments to Rule 503(b)(1)(C).

Johnathan Stone chairs a committee considering whether the limited accountant privilege contained in the Texas Occupations Code warrants a change to the Texas Rules of Evidence.

Two subcommittees chaired by Bell are reviewing the latest changes to the federal authentication and hearsay rules to determine whether to make corresponding changes to the Texas rules.

In March, the committee formed a subcommittee to review the Texas Supreme Court's decision in *In re City of Dickinson* to consider whether to propose amendments to the rules in light of the decision.

ADVERTISING REVIEW

Chuck Noteboom, Chair

Letters sent to lawyers about non-compliance were changed and now there is no referral to disciplinary counsel by bar staff without Advertising Review Committee approval. Lawyers can now appeal staff decisions about compliance to the ARC.

Advertising Review Rules were simplified and are in the approval process. The committee created an educational initiative for encouraging lawyers to report ads (Rule 7.07 of the Texas Disciplinary Rules of Professional Conduct), including webpages, as the committee wants to avoid imposing penalties for failing to do so.

The committee is researching law office marketing firms, especially ones where

lawyers pay to be on "best lawyer lists," to ensure validity. A rating service for lawyer services vendors is in the beginning stage. The concept is to protect Texas lawyers by allowing lawyers only to visit the website and review these services, similar to Google or Yelp reviews.

ANNUAL MEETING

Karen Burgess, Co-Chair

Cliff Gunter, Co-Chair

The 2019 Annual Meeting took place in Austin on June 13-14. 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 sections provided practice-specific programs as well as joint events, including the Adaptable Lawyer Track, the Business Law Section and Corporate Counsel Section, and a legislative update.

During Friday's General Session, 2018-2019 President Joe K. Longley gave parting remarks, and Randall O. Sorrels was sworn in as 2019-2020 president of the State Bar. At the Texas Young Lawyers Association reception, 2018-2019 TYLA President Sally Pretorius thanked young lawyers for their service and gave farewell remarks. Victor A. Flores was sworn in as the 2019-2020 president of TYLA. The Austin 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 2020 Annual Meeting in Dallas on June 25-26.

CHILD ABUSE AND NEGLECT

Tiffany Crouch Bartlett, Chair

Since 1985, the Child Abuse and Neglect Committee has worked to ameliorate child abuse and neglect by creating resources for the public and planning continuing legal education tracts for attorneys. In August 2018, the committee presented a Child Abuse and Neglect Workshop at the 44th annual Advanced Family Law Course

in San Antonio, which included sessions about the ethical duties of attorneys, judicial ethics, and a caselaw update.

In January 2018, the State Bar Board of Directors approved the Child Protection Law Section. Members of the committee were instrumental in forming the section, and some now serve on the section's council. During the bar's biennial committee review, the board's Committee Review Subcommittee recommended that the committee be sunsetted in favor of the section, since the Child Protection Law Section would afford more opportunities to serve the core missions of public and attorney education. To learn more about improving the practice of child protection law, please go to childprotectionlawtx.com.

CONTINUING LEGAL EDUCATION

Hon. Xavier Rodriguez, Chair

The Continuing Legal Education Committee met with the State Bar Board of Director's Professional Development Subcommittee and bar staff to propose topics for CLE programs and to discuss challenges and opportunities facing TexasBarCLE and TexasBarBooks. TexasBarCLE will emphasize in its programs practical consequences—how changes in law affect practice. Scholarships are available for all CLE programs and TexasBarBooks publications. The number of applicants has steadily grown allowing more attorneys to attend events. Expanding webcasts and online classes remains a priority.

In 2018, the committee drafted a joint resolution with the Board PDP Subcommittee urging recognition of the technical competency requirement. After consideration by the Committee on Disciplinary Rules and Referenda, the Texas Supreme Court amended Texas Disciplinary Rules of Professional Conduct Rule 1.01 to reflect that remaining proficient in the practice of law includes knowledge of technology benefits and risks. TexasBarCLE and the Computer & Technology Section have created free videos addressing these technology issues, listed online at texasbar.com/tech-resources.

TexasBarBooks added the *Texas Probate System* to its online subscription service. The TexasBarBooks online library now includes all TexasBarBooks practice manuals. New editions in the Texas Pattern Jury Charges and the Texas Criminal Pattern Jury Charges series were also released this year.

COURT RULES

Giana Ortiz, Chair

In September 2018, the Court Rules Committee submitted a proposal to the Texas Supreme Court establishing a procedure for victims who are minors to identify anonymous cyberbullies. The committee also proposed an amendment to Texas Rule of Civil Procedure Rule 21a to clarify that parties may serve discovery via electronic filing.

In March 2019, the committee submitted a number of proposed amendments for consideration. First, the committee proposed a new rule providing mandatory trial continuance for the parental leave of a lead attorney upon the birth or adoption of a child, regardless of the applicant's gender. Second, the committee proposed an amendment to Texas Rule of Civil Procedure Rule 190.4 to clarify that a continuance does not modify other discovery-control-plan dates, absent an agreement or court order. Third, the committee proposed an amendment to Texas Rule of Civil Procedure Rule 193.3(b) to clarify that a court may impose sanctions for the failure of a party to comply with a privilege-log request. Finally, the committee proposed an amendment to Texas Rule of Civil Procedure Rule 273 to clarify jury submission procedure.

The committee continues to consider and analyze other proposed rule amendments including to Texas Rules of Civil Procedure Rules 99, 107, 190.3, 199.4 and Texas Rule of Appellate Procedure Rule 49, as well as a proposed process for statewide vacation letters.

DISABILITY ISSUES

Sean Pevsner, Chair

This year, the Disability Issues Committee continued to educate the public and members of the bar on legal issues

facing Texans with disabilities. Guest speakers visited the committee to speak on disability rights law. The committee collaborated with these speakers to create CLE courses on supported decision-making and obtaining bar exam accommodations. The committee is planning a disabled veterans' benefits course and continues to cosponsor the Special Education, Child Welfare, and the Juvenile Justice System CLE.

The committee continues to support Texas courthouse compliance with Title II of the Americans with Disabilities Act by collaborating with different state courts to ensure court personnel are providing reasonable accommodations to people with disabilities who attend court hearings. The committee supports State Bar compliance by advising the board of directors and State Bar staff on ADA issues.

To learn more about the Disability Issues Committee and the CLE courses, go to texasbar.com/disabilityissues.

DIVERSITY IN THE PROFESSION

Glen Hill, Chair

The Diversity in the Profession Committee continued to enhance opportunities for attorneys from diverse backgrounds and to increase the participation of these attorneys 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 provided mentoring, networking, and business development opportunities for attorneys who desire to work in or with law firms, corporations, or government entities. The committee sponsored the Texas Minority Law Student Program at UNT Dallas College of Law and Texas Tech University School of Law, which gave law students advice on clerkship and networking and mock interview feedback from local attorneys. This year, the committee facilitated the Texas Minority Attorney Program, which provided networking opportunities for solo practitioners and small-firm attorneys from diverse backgrounds.

The committee obtained in-kind

sponsorships to offset bar exam preparation course tuition for five class of 2019 law school graduates. Additionally, the committee applied for a grant from the Texas Bar Foundation to increase the number of scholarships and provide the scholarship program with dependable resources for fiscal year 2020.

JURY SERVICE

Kaci Singer, Chair

The purpose of the Jury Service Committee is to improve the treatment of jurors within the judicial process and to develop and implement programs to ensure broad citizenship and support.

In 2015, the Legislature designated the first week of May as Jury Appreciation Week. The committee has provided information to judges and clerks regarding ideas for celebrating the week, including the ability to order stickers for those serving on a jury during the week.

This year, the committee began preparing a public service announcement regarding jury service as well as an announcement sharing information on perpetual jury service scams seen throughout the state and country.

LAW FOCUSED EDUCATION

Kevin Vela, Chair

The Law Focused Education Committee launched the web-based project *What Do Attorneys Do?* Scenarios added this year showcase different types of attorneys and were designed to start discussions with students during classroom visits. The committee also added grade level activities and an elementary book list to the website. These resources aid attorneys during classroom visits and allow students to explore the roles of lawyers. In response to requests, the committee created a section providing Celebrate Freedom Week ideas. These materials are available for free download on the State Bar of Texas Law-Related Education website, texaslre.org.

Using these web-based programs, committee members gave presentations to classrooms, community groups, and local bar associations. Members continued to meet with local school districts, private school networks, and community

groups, providing materials developed by the LRE department. Members also spoke at events and promoted the use of the website.

LAW PRACTICE MANAGEMENT

Penny Robe, Chair

The Law Practice Management Committee worked to fulfill 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 viability of the profession; and (3) an increase in the management knowledge and skills of the members of the bar.

The committee began the year presenting a daylong seminar on June 22, 2018, at the State Bar of Texas Annual Meeting in Houston. Throughout the year, members of the committee provided ongoing mentorship and training to lawyers in the Texas Opportunity & Justice Incubator.

In 2018, the committee contributed ideas and support to the Lawyer Well-Being Roundtable initiative where it focused on law practice management as a stress reduction tool for Texas lawyers.

Finally, the committee continued to support the Law Practice Management website, found at texaslawpractice.com. The website had an average of approximately 1,600 visitors per month. “What to do if Your Attorney Dies, Disappears, Becomes Disabled, or is Suspended or Disbarred” remained the most visited webpage, as well as the most frequently asked question on the Law Practice Management hotline and email forum.

LAWS RELATING TO IMMIGRATION AND NATIONALITY

Linda Alice Brandmiller, Chair

The Laws Relating to Immigration and Nationality Committee had another active year developing creative ways to educate and connect the bar and beyond on trending immigration issues. New *Ten Minute Mentor* videos include I-9s, citizenship, asylum, and the caravan. The website was

launched, and the committee submitted articles to the *Texas Bar Journal* for an immigration issue in May.

The fall Rio Grande Valley meeting included an update from the public defender, a former forensic consultant for the South Texas Human Rights Center, and the committee participated in citizenship training with ARISE, which is currently working on Department of Justice accreditation.

The winter El Paso meeting included a visit to the U.S. consulate in Ciudad Juárez, Mexico. Meeting with staff offers insight into new policies and practices and allows the committee to prepare clients and attorneys for visa processing. The committee received information from a Citizenship and Immigration Services adjudicator and the legal coordinator from Annunciation House, which receives hundreds of released immigrants weekly.

The summer meeting continues to be coordinated with the Immigration and Nationality Law Section at the Annual Meeting in Austin. The committee has invited State Bar officers to events throughout the year to share information.

LAWYERS' ASSISTANCE PROGRAM

Vickie Mather, Chair

The Lawyers' Assistance Program Committee aids the Texas Lawyers' Assistance Program, or TLAP, in facilitating substance use, mental health disorders, and well-being programs.

The Law School and Special Populations Subcommittee made over 30 presentations about well-being to law students and was present at every Texas law school orientation this year. The subcommittee sponsored five wellness forums during ABA Mental Health Week and provided information at wellness fairs. TLAP is coordinating with the Texas Young Lawyers Association and the Office of Minority Affairs to expand its outreach.

The Anti-Stigma Subcommittee prepared materials attacking the stigma of getting help with mental health issues and distributed them to places lawyers frequent. In May, TLAP filmed a video featuring recovering bar leaders that breaks down this stigma.

The Improving Help to the Impaired Lawyer Subcommittee initiated a project in which attorneys from each major community in Texas provide important information about local resources and support groups for mental health and substance use. The subcommittee plans to launch a telephonic program to support lawyers in rural areas.

To get help with mental health and substance abuse issues, please call the confidential TLAP line at 800-343-8527 (TLAP).

LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

Brian McGiverin, 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.”

Every year, the committee applauds efforts that increase access to justice through its Pro Bono Excellence Awards. This year's recipients were recognized at the State Bar's Annual Meeting in June. The committee worked to diversify attendance at access to justice breakouts at the Bar Leaders Conference, which takes place on July 26-27 in Houston. The committee is also organizing events and distributing information for Pro Bono Week in October.

The committee is developing model local rules and recommendations for improving the Texas Rules of Civil Procedure that will reduce unintended negative consequences for indigent parties in the legal system. The committee will actively engage with stakeholders in the areas of family law and consumer debt, as well as with legal aid providers and the judiciary.

LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

Fred Hernandez, Chair

The Legal Services to the Poor in Criminal Matters Committee serves one of the State Bar's 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) creating a “Padilla project” resource to help courts and indigent defense counsel meet their *Padilla* obligations; (2) preparing a report about the value of a state defender’s office that would be the equivalent of the state prosecuting attorney’s office; (3) developing continuing legal education webinars on indigent defense issues; and (4) reviewing state mentoring programs to develop recommendations for mentoring indigent defense attorneys.

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. This year’s recipients will be recognized at the State Bar’s 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 and Stars of Texas Bars Awards. The State Bar and Texas Young Lawyers Association presented statewide awards at the Law Day ceremony in Austin. This year’s theme, “Free Speech, Free Press, Free Society,” encouraged students to reflect on why the separation of powers is fundamental to our constitutional purpose. The Stars of Texas Bars Awards recognize local bar associations.

Award recipients were acknowledged at the Bar Leaders Recognition Luncheon during the 2019 Annual Meeting on June 13 in Austin.

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. The MCLE Department received more than 650,000 attendance records and 30,000 applications for accreditation of CLE activities this year, and over 90% of submissions were received electronically via the MCLE website.

The committee continued its study of the Accreditation Standards for CLE Activities to determine if definitions need revisions due to recent wellness and technology initiatives. The committee also evaluated the effectiveness of the sponsor and member portals that allow for online submissions and tracking course applications.

This year, the MCLE Committee initiated a study of interactive online CLE programs. The purpose of this study was to consider changes to the Texas MCLE regulations that would allow credit for interactive or gaming type CLE programs, such as interactive courtroom skills programs. Sponsors of interactive CLE may apply for provisional MCLE accreditation if they are able to estimate time of completion for their activities and agree to forward evaluations and participation results to the MCLE Committee for review.

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

William John Chriss, Chair

The Texas Pattern Jury Charges—

Business, Consumer, Insurance, and Employment Committee is pleased to have published its 2018 edition.

The volume has been updated to reflect new statutory and caselaw. The contracts section has been expanded to include new questions and instructions on ambiguity and on reformation as an affirmative cause of action. It also now includes materials on money had and received, voluntary payment, and unjust enrichment. Our committee has worked closely with the PJC—Oil and Gas Committee’s volume for several years to draft new contracts material and to update existing material included in the contracts section of both volumes.

The committee has also worked closely with the other PJC volumes and the PJC Oversight Committee to update comments relating to broad form submission and the preservation of charge error and to include new material on Fifth Amendment privilege.

The committee is now working on its 2020 edition and will continue to work closely with the other volumes to address overlapping issues.

The committee will post all new drafts to texasbarbooks.net before publication and welcomes input from the bench and bar. Please send comments, questions, and suggestions for new topics to books@texasbar.com.

PATTERN JURY CHARGES—CRIMINAL

Wendell A. 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 recently released the 2018 edition of the second volume of the series, *Texas Criminal Pattern Jury Charges—Defenses*. In this edition, the self-defense instructions have been supplemented with instructions on the threat of deadly force under Texas Penal Code § 9.04 and an alternative instruction concerning the effect of finding the defendant committed a weapons offense. The volume also includes revisions to the self-defense commentary and new instructions on the reasonable discipline, educator-student, and guardian-incom-

petent defenses. The committee has also made substantial headway on its revisions to *Texas Criminal Pattern Jury Charges—Intoxication, Controlled Substance & Public Order Offenses*, to be released later this year.

PATTERN JURY CHARGES—FAMILY AND PROBATE

JoAl Cannon Sheridan, Chair

Following the publication of the 2016 edition of *Texas Pattern Jury Charges—Family & Probate*, the committee made several updates for the 2018 edition. The instruction on joint managing conservators was revised to include an explanation of geographic restrictions. The committee added a new question and comment on reimbursement of attorneys' fees by a party who has acted in bad faith or without just cause in guardianship proceedings. Commentary on exculpatory clauses in express trusts was revised and included a new instruction on bad faith and a revised instruction on intentional conduct. The committee is monitoring 2019 legislation that will require updates to the existing charges and comments for incorporation in the 2020 edition.

Drafts of the committee's work will be posted on texasbarbooks.net before publication. Feedback is welcomed from the bench and bar members. 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—GENERAL NEGLIGENCE, INTENTIONAL PERSONAL TORTS, AND WORKERS COMPENSATION

Daniel B. Linebaugh, Chair

The committee continues reviewing the 2018 volume for any appropriate updates for the next publication. As such, the committee is in the process of updating the commentary to PJC 3.4 (Unavoidable Accident) and PJC 28.3 (Personal Injury Damages—Basic Question) to include citations to more recent caselaw. Additionally, in accordance with the *Nabors* opinion, the committee is updating PJC 10.12 (Negligent Entrustment—Reckless, Incompetent, or Unlicensed Driver) and 10.13 (Neg-

ligent Entrustment—Defective Vehicle) to provide the term injury as a bracketed option for these jury questions.

The committee is evaluating what refinements, if any, are appropriate to the nuisance and theft liability chapters. The committee is currently studying PJC 28.8 (Exclusionary Instruction for Other Condition) and 28.9 (Exclusionary Instruction for Preexisting Condition That Is Aggravated) to ensure that they are provided proper context and accurately reflect Texas law.

Finally, the committee is investigating whether jury charges based on pre-2003 law should remain in the 2020 edition of the book.

The committee welcomes new ideas and may be contacted at books@texasbar.com.

PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS

Jack E. McGehee, Chair

The Pattern Jury Charges—Malpractice, Premises, and Products Committee continues to develop new charges and commentary addressing numerous areas of law. In medical malpractice, the committee continues to evaluate Emergency Medical Treatment and Labor Act questions, preservation of error, and statutory references where the underlying statutes have been modified. The committee is also reviewing emergency medical care issues following the *Texas Health Presbyterian Hospital v. D.A. & M.A.* opinion. Additional work continues in the new section involving actions against attorneys, with additional charges that address issues such as degree of care and liability under the Deceptive Trade Practices Act. The committee continued to refine premises liability sections where the plaintiff was an invitee. The committee is also watching for guidance involving the Texas Tort Claims Act, allocation of damages in certain employee injury cases, and other areas. The committee has increased its communication with other PJC committees to standardize common interest areas. The committee understands the importance of its work and is truly dedicated to "getting it right."

PATTERN JURY CHARGES—OIL AND GAS

Ricardo Morales, Chair

The Pattern Jury Charges—Oil and Gas Committee is pleased to have published its second edition. The committee met regularly to draft new material and update existing charges. The 2018 edition includes an updated contracts section with new questions on reformation as an affirmative cause of action and ambiguity. The committee worked with the Business and Oversight committees on material included in those volumes.

The committee is updating materials and developing new topics for the 2020 edition. The committee is expanding its Improper Use of Real Property Section and will work with PJC—General Negligence as it develops material relevant to both volumes. The committee will update sections as needed to reflect new caselaw and statutory law and will draft additional questions to address any gaps in the current charges. The committee will continue to work closely with the other volumes and PJC Oversight.

The committee will post drafts of new charges prior to publications. Comments and questions from the bench and bar, as well as suggestions for new topics, are welcome and may be sent to books@texasbar.com.

PATTERN JURY CHARGES—OVERSIGHT

Jane Bland, Chair

The Pattern Jury Charges—Oversight Committee refers developments in Texas law and public comments to the appropriate PJC committee, resolves inconsistencies and differing approaches in the volumes through collaboration with the PJC committees, and reviews proposed additions and revisions before publication. The committee provides feedback to the volumes and seeks the best way to alert Texas practitioners to changes in the law.

This year, the committee approved numerous additions, including misappropriation of trade secrets (PJC Business); self-defense, deadly force, and tampering with government records (PJC Criminal); property damage in light of *J & D Towing, LLC v. Am. Alternative Ins. Corp.*, 478 S.W.3d 649,

676 (Tex. 2016); proportionate responsibility (PJC General Negligence and PJC Malpractice); nuisance (PJC General Negligence); and premises liability in light of *United Scaffolding v. Levine*, 537 S.W.3d 463, 471 (Tex. 2017).

A task force with representatives from the PJC committees, chaired by John Gsanger, completed its work on pattern instructions for mental anguish. The committee approved updates to the preservation of error and admonitory instruction sections for volumes with punitive damages.

The committee seeks input from practicing trial lawyers for improvements to the Texas Pattern Jury Charges. Comments or questions may be sent to books@texasbar.com.

PROFESSIONALISM

Suzanne M. Duvall, Chair

The Professionalism Committee identifies factors that influence professionalism and seeks ways to improve the development of new lawyers and their relationships with the judiciary and fellow bar members.

In July 2018, the committee presented a seminar at the Bar Leaders Conference, where attendees learned practical tips for “Day of Civility” presentations, providing a mentorship program, and promoting ethics programs to their members. The committee will present again on July 27 at the 2019 conference in Houston. The committee also works with the Texas Center for the Judiciary Curriculum Committee to include professionalism courses in its CLE curriculum.

The Professionalism Committee provides ongoing services, including a “mentor bank” for attorneys seeking mentoring throughout the state; “Need Ethics,” a database of speakers willing to speak on ethics to local bar associations; a how-to guide for assisting local bars in presenting their own Day of Civility; and partnerships with law schools to promote professionalism from the ground up. The committee also provides Texas Lawyer’s Creed pamphlets for lawyers to give to their clients and posters for judges to display in their courtrooms, available upon request.

PUBLIC AFFAIRS

Rudy A. England, Chair

During the 2018-2019 bar year, the

Public Affairs Committee worked to ensure the continued success of its Open Government Seminar at the 2019 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 14, provided valuable panel discussions for lawyers, media, and the public. The panels offered lively and informed discussions titled “Open Government Law: Vaccine for ‘Fake News’ or Sometime Pathogen?” and “Legislative Update: Trends in Open Government.”

The committee also hosted the 2018 Texas Gavel Awards, which recognize outstanding Texas journalism that enhances public understanding of our legal system. Learn more about the awards at texasbar.com/gavelawards.

REAL ESTATE FORMS

Sara E. Dysart, Chair

The Real Estate Forms Committee maintains the *Texas Real Estate Forms Manual*, which is sold in three forms—hard copy, hard copy with a digital download, and via subscription based. The digital download version has enhanced word processing forms and a PDF file of the manual. The goal of the committee is to maintain the manual as the most up-to-date, comprehensive, and practical publication of its kind. It is not intended to be a treatise on Texas real estate law. It is intended to be a starting point for recognizing the issues, addressed in its 26 chapters, and to provide legal forms to be used by Texas attorneys as they draft documents for real estate transactions. This spring the State Bar of Texas will publish a 2019 supplement to the third edition that will update content and forms.

TEXAS BAR JOURNAL BOARD OF EDITORS

Miles J. LeBlanc, 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 mailed to approx-

imately 117,000 subscribers, is available in digital format, 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 2018-2019, the Texas Bar Journal Board of Editors examined a number of subjects, including wellness, environmental law, cybersecurity, real estate law, equality in the workplace, criminal law, discovery, and transportation law. The *Journal* also featured coverage of the Texas Young Lawyers Association’s project *Proud to Be an American*. The board offered an informative “Year in Review” issue, introduced a State Bar of Texas director spotlight column, and conducted its annual Short Story Contest.

WOMEN IN THE PROFESSION

Karla Pascarella, Chair

The Women in the Profession Committee reassessed the committee’s goals to determine whether they have been met or if they are still relevant. The committee restated goals, prioritized increasing attendance to accomplish these goals, and created a subcommittee structure to ensure consistent progress.

This year, the committee made comments to the Court Rules Committee regarding paternity/maternity leave in the courtroom and is creating a “#MeToo Movement” project for submission to the State Bar’s blog. The committee used Betty Chapman’s book *Rough Road to Justice: The Journey of Women Lawyers in Texas* to shed light on the history of women’s participation in the State Bar. Chapman attended a book signing on behalf of the committee and attended the State Bar’s 2019 Annual Meeting and the Texas Minority Attorney Program.

The committee also built foundations for several continuing projects: a CLE presentation addressing the status of women in the profession for local and woman bar associations, a program identifying the limitations of and creating solutions for social media platforms and online interaction, and a mentorship program for women practitioners in rural areas. The committee continues to redefine the role of State Bar women attorneys. **TBJ**