

ADMINISTRATION OF RULES OF EVIDENCE • ADVERTISING REVIEW • ANNUAL MEETING  
CHILD ABUSE AND NEGLECT • CONTINUING LEGAL EDUCATION • COURT RULES • CRIME VICTIMS  
DISABILITY ISSUES • DIVERSITY IN THE PROFESSION • JURY SERVICE • LAW FOCUSED EDUCATION  
LAW PRACTICE MANAGEMENT • LAWS RELATING TO IMMIGRATION AND NATIONALITY  
LEGAL SERVICES TO THE POOR IN CIVIL MATTERS • LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS  
LOCAL BAR SERVICES • PARALEGALS • PATTERN JURY CHARGES—BUSINESS, CONSUMER, INSURANCE AND EMPLOYMENT

## 2012-2013 State Bar of Texas

# COMMITTEE REPORTS

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

PATTERN JURY CHARGES—CRIMINAL • PATTERN JURY CHARGES—FAMILY AND PROBATE  
PATTERN JURY CHARGES—GENERAL NEGLIGENCE AND INTENTIONAL PERSONAL TORTS  
PATTERN JURY CHARGES—MALPRACTICE, PREMISES, AND PRODUCTS • PATTERN JURY CHARGES—OVERSIGHT  
PROFESSIONALISM • PUBLIC AFFAIRS • REAL ESTATE FORMS • *TEXAS BAR JOURNAL* BOARD OF EDITORS  
TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT • WEB SERVICES • WOMEN IN THE PROFESSION

## ADMINISTRATION OF RULES OF EVIDENCE

*Fields Alexander, Chair*

This committee has devoted the past two years to restyling the Texas Rules of Evidence at the request of the Supreme Court Advisory Committee. Our objective was to make the Texas rules, like the recently restyled federal rules, easier to understand and use without effecting any substantive changes. We applied the principles of the federal restyling effort (simplicity, ease of use, minimizing legal jargon) in an effort to modernize and simplify the Texas Rules of Evidence.

The restyling effort has proven to be both interesting and challenging. Our committee has been hard at work, with countless meetings of both subcommittees and the full committee.

I am pleased to report that our work is close to fruition. We recently completed the last of the proposed restyled rules and are now synthesizing that work product in anticipation of submitting a complete body of restyled rules of evidence to the Supreme Court Advisory Committee for its review.

Also, as my tenure on this committee draws to a close, I would like to thank everyone who has served with me for their hard work and dedication. I especially wish to thank Professors Steve Goode and Jeremy Counsellor, who spearheaded the initial redrafting process within our committee. Simply put, we could not have completed this project without their Herculean efforts. Finally, I am pleased to report that, with Judge Robin Darr and Leslie Hyman taking over as chair and vice chair, this committee will be in very good hands for the foreseeable future.

## ADVERTISING REVIEW

*Mike McKetta, Chair*

The committee continues to work in pursuit of its three objectives: 1) educate the bar about the provisions of the Advertising Rules, 2) provide guidance to the State Bar regarding

compliance with Part VII, and 3) ensure compliance with the Advertising Rules by reviewing and approving filed advertisements.

Gene Major, director of the Advertising Review Department; Michael Dobbs, coordinator of the Advertising Review Department; and various members of the committee gave a number of presentations this year to educate lawyers and others about the requirements and restrictions imposed by the Advertising Rules. These included live, videotaped, and web-based presentations. Major also presented information regarding the committee and its relationship with the Chief Disciplinary Counsel's office at the 2012 Grievance Symposium. Committee members Pat Rafferty and Al Harrison were authors of a *Texas Bar Journal* article regarding social media and the rules (March 2012). The committee continued working with the publishers of *Superlawyers*, *Rising Stars*, and other similar publications to ensure that attorney advertising related to these publications is filed with and reviewed by the committee before final publication.

The committee provided guidance regarding the rules by meeting throughout the year. The committee met regularly in Austin to review advertisements filed with the State Bar as required by the Advertising Rules. The committee received more than 3,500 applications in the 2011-2012 bar year. The number of filings has consistently increased, with the largest category of submissions filed being electronic/websites.

## ANNUAL MEETING

*Beverly Godbey and Robert Witte, Co-Chairs*

The 2013 Annual Meeting took place June 20-21 in Dallas. The Dallas-based Annual Meeting Committee offered a diverse selection of premium CLE for the best value and featured renowned speakers, including U.S. Supreme Court Justice Samuel Alito, U.S. Sen. John Cornyn, and Alan Lowe, the director of the

George W. Bush Presidential Library and Museum.

With more than 90 informative learning sessions, this year's meeting featured programs for everyone, from the first-year associate to the seasoned professional. State Bar sections provided practice-specific programs as well as joint events including the Diversity Forum, the Adaptable Lawyer Legal Innovation Track, Business Law and Corporate Counsel, and Litigation Section. To mark the 50th anniversary of the assassination of President John F. Kennedy, the committee presented the trial that never took place: Lee Harvey Oswald charged with Kennedy's murder on Nov. 22, 1963.

During Friday's General Session, 2012-2013 President Buck Files gave parting remarks and Lisa M. Tatum was sworn in as 2013-2014 president of the State Bar. At the Texas Young Lawyers Association reception, 2012-2013 TYLA President C.E. Rhodes thanked young lawyers for their service and gave farewell remarks. Kristy Blanchard was sworn in as the 2013-2014 president of TYLA. The Dallas community and law firms statewide deserve acknowledgment and gratitude for their dedicated support of the Annual Meeting.

Be sure to mark your calendars for the 2014 Annual Meeting in Austin, June 26-27.

## CHILD ABUSE AND NEGLECT

*Carole Hurley, Chair*

To address the educational needs of attorneys involved in child protection litigation, the committee once again conducted a one-day workshop at the Advanced Family Law Conference and worked with the Family Law Section to make this training affordable for government and court-appointed attorneys. The Supreme Court of Texas Permanent Commission for Children, Youth and Families provided scholarships to a number of attorneys to attend the workshop.

In addition, the committee conducted a one-day child protection lit-

igation conference in June. This conference featured plenary sessions as well as breakout sessions designed specifically for attorneys representing parents, children, and the Department of Family and Protective Services.

The committee continues to distribute English and Spanish copies of its DVD on shaken baby syndrome, *When Babies Cry*.

The committee is participating in a number of arenas to bring greater public awareness to the problem of prenatal alcohol exposure, especially in the population of abused and neglected children. The committee continues to post resources for child protection litigators at [texaslawyersforchildren.org](http://texaslawyersforchildren.org), which provides free access to legal research tools concerning child protection and communication tools that allow judges and attorneys to have a dialogue with colleagues. The site also provides a way for attorneys to access pro bono opportunities in child protection cases. The committee selected an attorney to receive its annual Fairy Davenport Rutland Award for Distinguished Service to Children and Families, to be presented at the 2013 Advanced Family Law Conference in August.

### CONTINUING LEGAL EDUCATION

*Deborah J. Bullion, Chair*

The Continuing Legal Education Committee met twice with the State Bar Board of Directors Professional Development Subcommittee to discuss the challenges and opportunities facing TexasBarCLE and TexasBarBooks. This past year, TexasBarCLE exceeded its expected performance from live courses as well as online products and has maintained its position as the leading provider of quality CLE in Texas. The committees discussed plans to ensure that TexasBarCLE's leading position is maintained and enhanced. With advances in technology, TexasBarCLE has been able to reach and serve more lawyers in more ways than ever before and

continues to consider ways to integrate more social media into its programs. Considerable discussion has been given to the expansion of webcasts and online classrooms focusing on a broad spectrum of relevant subject areas, including practice tips for new attorneys and those transitioning into new practice areas. Because of the recognized reduction in trials and therefore fewer trials for young attorneys, the CLE committee is considering trial academy-type programs. Members of the CLE committee are assigned to serve as liaisons on CLE planning committees to ensure the highest level of quality in the planning and presentation of a CLE course and to ensure that courses reflect the ethnic, gender, practice, and geographic diversity of the bar.

TexasBarCLE also offers Casemaker as a free member benefit on the State Bar website. Another free benefit recently provided is webcasts of the oral arguments of the Texas Supreme Court. TexasBarBooks has recently released a new edition of the *Texas Pattern Jury Charges* and is developing a new series entitled "Texas Perspective Series."

### COURT RULES

*Joseph David Hughes, Chair*

The State Bar Court Rules Committee met five times during the 2012-2013 bar term. To date, it has submitted two sets of proposed rule changes to the Texas Supreme Court, and the committee anticipated submitting two proposed new rules to the court before the end of the bar term in June.

The first recommendation submitted was a proposal to amend Tex. R. Civ. P. 194.2, which provides for disclosure of a party's legal theories and the factual bases for its claims and defenses, by (1) adding language prohibiting the responding party from referencing pleadings and (2) requiring allegations of fraud, negligent misrepresentation, or mistake to be

stated with particularity, similar to Fed. R. Civ. P. 9(b). The committee's second recommendation proposed amending Tex. R. Civ. P. 51 and 191.3 and Tex. R. App. P. 9.1 to require the inclusion of a party's or its attorney's email address.

The committee spent the bulk of its time this year on two proposed new rules of civil procedure that would respectively govern (1) the inclusion of sensitive data such as Social Security numbers and credit card or bank account numbers in court filings and (2) remote access to court filings containing sensitive data. The committee's draft rules are based on proposed rules previously submitted by the Supreme Court Advisory Committee. The Court Rules Committee anticipates finalizing its recommendations in the next several weeks.

In addition, the committee is continuing its long-term project of collecting local rules from courts statewide to make them available on a publicly accessible website.

### CRIME VICTIMS

*Eric Julian Tijjerina, Chair*

The goal of the Crime Victims Committee is to educate the legal profession and the public about legal and social resources available to crime victims. During the 2012-2013 committee year, the committee's webpage, [texasbar.com/crimevictims](http://texasbar.com/crimevictims), was updated to include a Spanish-language translation of information on local, state, and federal crime victims' rights and resources. Committee members continued to traverse the state to present the committee's signature presentation on "A Lawyer's Ethical Responsibilities to Crime Victims." The presentation details crime victims' rights, including the Crime Victims Compensation Program administered by the Office of the Texas Attorney General. The committee presented the material at such events as the 2012 Juvenile Law Conference and meetings of several local bar associations. Moreover, the

committee disseminated information on crime victims' rights to members of the general public at such venues as vocational colleges, meetings of anti-trafficking and paralegal groups, the Texas Juvenile Justice Summit, and the 2012 and 2013 MAFO National Farmworker conferences. The committee also has filmed *Ten Minute Mentor* videos, which are available at [tyla.org](http://tyla.org), focusing on such victims' issues as dating violence, crime victims' rights, and the Crime Victims Compensation Program. The latest video filmed by the committee, *Victims of Human Trafficking: State and Federal*, focuses on the indicators of human trafficking and the resources available to victims.

The committee's presentation on the ethical responsibilities relative to crime victims has been approved for one hour of CLE ethics. Interested parties should contact the State Bar Committees Department to request this presentation at a meeting, CLE, or conference.

### DISABILITY ISSUES

*Daisy Everhart, Chair*

The Disability Issues Committee has continued working on several ongoing projects this year.

The *Sign Up Fund* project is seeking permanent funding from the State Bar Board. This project allows reimbursement to lawyers who have hired qualified sign language interpreters or provided other appropriate auxiliary aids or services, such as Computer Assisted Real-time Transcription (CART) or Braille documents to ensure effective communications with clients with disabilities.

The committee has completed the planning and has applied for funding for production and distribution of a DVD regarding the rights of disabled persons. The purpose of the DVD is to educate homeless shelters and transitional housing providers about the rights of residents with disabilities and the shelters' obligations to comply with state and federal law regard-

ing housing for persons with disabilities. Approximately 40 percent of homeless adults in the United States have some form of disability.

The mentorship program seeks to match practicing disabled attorneys with disabled law school students and newly graduated attorneys in a mentoring program. This year, the committee has continued to contact law schools and local bar associations regarding the program. If anyone is interested in being a mentor or mentee, please contact the subcommittee chair, Diego DeMaya, at [ddemaya@bcm.edu](mailto:ddemaya@bcm.edu) or the Disability Issues Committee chair, Daisy Everhart, at [mdaisy@flash.net](mailto:mdaisy@flash.net).

### DIVERSITY IN THE PROFESSION

*Dawn R. Tezino, Chair*

The committee's name has changed this year from the Racial Diversity in the Profession Committee to the Diversity in the Profession Committee based on feedback from committee members and other members of the State Bar. The committee believes that its new name fosters a more inclusive environment by the committee to represent the values of all of its diverse members. The committee has continued to promote all of its signature programs in the 2012-2013 bar year, including hosting the Texas Minority Attorney Program in both Houston and Austin, and the Second Annual Texas Minority Law School program at Thurgood Marshall School of Law in Houston and Southern Methodist University Dedman School of Law in Dallas. The events were well attended and offered quality programming to diverse attorneys and law students, while also providing opportunities to mentor women and minority law students. Additionally, the committee has decided to further expand its outreach to diverse law students attending law school in Texas by awarding the State Bar of Texas Diversity in the Profession Committee Scholarship Awards to

deserving law students for the 2013-2014 school year. This scholarship serves two important goals: 1) it encourages law students to become involved with the State Bar of Texas by familiarizing students with State Bar activities and 2) it facilitates and encourages diverse students to enter the legal profession by assisting diverse law students to meet the challenges and financial burdens of law school. Last, but not least, the committee's flagship program, the 21st Annual Texas Minority Counsel Program (TMCP), will be held Nov. 6-8, 2013, at the Four Seasons Resort and Club Dallas at Las Colinas. This year, the committee will hold its General Counsel, Managing Partners and Law School Deans Diversity Roundtable in conjunction with TMCP. Please mark your calendars now and save the date.

### JURY SERVICE

*Susan Burnette, Chair*

The Jury Service Committee's primary goals this year were to promote juror education and to investigate ways to improve the jury service experience and increase juror participation. The committee spearheaded the filming of public service announcements designed to emphasize the importance of jury service. Texas Supreme Court Chief Justice Wallace B. Jefferson and Justice Eva Guzman present the English and the Spanish language versions, respectively. Both spots were filmed by the Video Productions Department of the State Bar of Texas. Committee members are working to encourage television stations throughout the state to air the public service announcements.

The Jury Service Committee surveyed Texas municipal court clerks this year to learn what strategies are working to encourage broad citizen participation in jury service so that information could be shared with courts and lawyers throughout the state.

Members of the Jury Service Committee shared results of the commit-

tee's 2011 survey of district and county clerks at the County and District Clerks' Association of Texas meeting in Galveston on June 27, 2012. The presentation was so well received that the speakers were asked to speak at the June 2013 meeting in what may become an annual exchange concerning jury duty.

During the next bar year, the Jury Service Committee plans to create educational materials about social media usage during jury service, including addressing issues such as why it is problematic and the possible consequences of misuse of social media during trials.

### LAW FOCUSED EDUCATION

*Daniel David Hu, Chair*

This past fall, committee members continued to meet with their local school districts or private school networks and provided them with the latest materials developed by the Law Related Education Department for the implementation of the Texas Essential Knowledge and Skills (TEKS) for social studies. Distributed this year were Texas Essential Knowledge and Skills social studies activities dealing with the eras of history for seventh grade, eighth grade, and high school social studies courses.

The committee created talking point outlines for major legal celebrations such as Constitution Day/Celebrate Freedom Week and Law Day.

Committee members successfully implemented another We the People: The Citizen and the Constitution competition on Dec. 8, 2012. Committee members served as judges or facilitators for the competition.

Law Focused Education Committee members continue to speak to participants at local Law Focused Education events and promote the use of the Law Focused Education Inc. website, [texaslre.org](http://texaslre.org), and national programs such as [ICIVICS.org](http://ICIVICS.org) and the Public Service Division of the American Bar Association.

### LAW PRACTICE MANAGEMENT

*William W. Miller Jr., Chair*

The Law Practice Management Committee began the year by presenting a daylong seminar on law practice management issues during the State Bar Annual Meeting in June 2012. Throughout the year, Law Practice Management Committee members made presentations to law schools, including Southern Methodist University Dedman School of Law and Texas Tech Law School, and to several local bar associations across the state. The committee also launched an updated Law Practice Management Program Facebook page and made updates to the how-to brochures available on the Law Practice Management Program website, [texasbar.com/lpm](http://texasbar.com/lpm).

### LAWS RELATING TO IMMIGRATION AND NATIONALITY

*Rebecca R. Garcia Massiatte, Chair*

It has been a productive year for the committee, whose practice area has recently skyrocketed to one of the top legal issues facing our country today.

In conjunction with its meeting at Southern Methodist University in Dallas in the fall, the committee sponsored an event to present and discuss immigration issues and practice options for SMU law students. The event was well received by the students and always a joy for committee members who represent a variety of immigration practice areas including government, nonprofit, higher education, and private practice.

One of the goals of the committee is to assure that its meetings are geographically mixed, permitting varied participation from the members in order to discuss legislative changes impacting immigration. The committee also aims to host in-person forums with immigration officials regarding these issues. To that end, the April committee meeting in El Paso pulled out all the stops. Committee members met in person with U.S. Citizenship and Immigration Services, U.S.

Immigration and Customs Enforcement, the U.S. Border Patrol, the U.S. Consulate of Ciudad Juárez, and the Passport Agency. The committee learned what the El Paso immigration arm of the government is doing to secure the border while also working with nongovernmental organizations, advocates, and the local bars to best serve the immigrant community. Members witnessed an always-emotional U.S. citizenship naturalization ceremony for three soldiers from Fort Bliss and, after the meeting, received a personal tour of the local immigration detention facility.

The following day, the committee along with the State Bar of Texas Immigration Section took a bus to Ciudad Juárez, Mexico, for a personal tour of the American Consulate facility. The three-hour tour included seeing processing and waiting areas, witnessing a mock interview, visiting with the medical center team, and observing the "Bermuda Triangle," where unscrupulous shysters lie in wait to offer "assistance" to immigrants completing their visa processing and often steal money from them for services or documents they don't need.

The final committee meeting took place in June at the State Bar of Texas Annual Meeting in order to coordinate efforts with the Immigration Committee.

### LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

*Matthew B. Probus, Chair,  
and Peggy Montgomery, Vice Chair*

The volunteer members of the State Bar of Texas Legal Services to the Poor in Civil Matters Committee continue to help the board of directors carry out one of the bar's core missions: to "assure all citizens equal access to justice."

The Law School Subcommittee worked with the deans of the Texas law schools to create a State Bar Law Student Pro Bono College. Launching in the fall, the college will pro-

mote pro bono service among students and recognize them for the outstanding work they are already providing. The committee is also investigating the possibility of a statewide online database in which legal aid organizations can post issues for students to research.

The Pro Bono Subcommittee undertook a comparative analysis of other states' and the American Bar Association's definition of pro bono. The committee discussed strategies for educating the bar on what constitutes pro bono.

The Education Subcommittee worked with the Texas Access to Justice Foundation to develop ways to educate banks on the importance of becoming a Prime Partner bank. The subcommittee also participated with the Texas Access to Justice Commission in a webinar CLE on limited scope representation.

The committee received strong nominations for the State Bar Pro Bono Excellence Awards and recommended awardees to the bar board. Recipients of these awards were recognized during the State Bar Annual Meeting in Dallas.

### LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

*Jeff Blackburn, Chair*

The members of the State Bar of Texas Legal Services to the Poor in Criminal Matters Committee continue to study the system of indigent defense and develop recommendations for actions to improve the quality of representation of indigent persons involved in criminal matters.

This year, the committee sought the guidance and leadership of the Colorado Public Defender Program. After a comprehensive study of the program, the committee developed several ideas and recommendations to improve Texas's current system. These ideas will be fleshed out in the coming year but include training and mentoring models.

The committee also began developing a mediation project, beginning

first with an assessment of the value of mediation in criminal cases. In conjunction with Galveston County, the committee members have started working through the steps needed to form a potential pilot project.

As a follow-up to the Guidelines in Non-Capital Cases produced by the committee, the group continued to develop a method of evaluating implementation in underperforming counties.

The committee worked on a proposal for Supplementary Guidelines and Standards for the Mitigation Function of Defense Teams in Texas Death Penalty Cases. These guidelines will help stress the role of mitigation in a capital defense case. The committee will seek input on the supplementary guidelines from the appropriate bar sections and associations.

Finally, this summer the committee will present the State Bar of Texas Michael K. Moore Award and the Warren Burnett Award at the annual Advanced Criminal Law Seminar. These awards recognize extraordinary contributions to indigent defense.

### LOCAL BAR SERVICES

*Janna Clarke, Chair*

The Local Bar Services Committee consists of 23 members who meet quarterly with the express purpose of enhancing communication between State Bar leadership and local bar leaders to assist local bars in the management and development of their associations.

Our signature event, the Bar Leaders Conference, July 26-27, 2013, at the Westin Galleria Houston, brings local bar leaders and State Bar officers and directors together to discover tools and resources to empower leaders while addressing common concerns among local bar associations. This conference provides an excellent opportunity to network with leaders across the state and learn about State Bar initiatives.

The committee also plans annual programs such as Law Day and the

Stars of Texas Bars Awards. The State Bar of Texas and Texas Young Lawyers Association presented awards to 18 student winners in the statewide contest at the Law Day ceremony in Austin. This year's theme, "Realizing the Dream: Equality for All," encouraged students to explore civil and human rights in America and reflect on the work that remains to be done. The Stars of Texas Bars Awards recognize the work of local bar associations. Award recipients were acknowledged at the Bar Leaders Recognition Luncheon during the State Bar Annual Meeting held June 20 in Dallas.

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

### PARALEGALS

*Linda Thomas, Chair*

2012-2013 was yet another record-breaking year for the Paralegals Committee. The 31st Annual Texas Forum was held in Dallas with 200 attorneys, paralegals, and students attending. For the second year, the forum offered a Boot Camp, which was well attended. The committee plans to continue offering this track in coming years. A huge thank you to Chair Allen Mihecoby, Darla Fisher, Kay Redburn, Michele Rayburn, and Susan Brennan for making the event such a success. The committee is working on plans for the 32nd Texas Forum.

It was a landmark year for the committee, as the Texas Paralegal's Creed was approved by the State Bar Board of Directors at its January meeting. Thank you to Kay Redburn for the time and effort put into this project. Another accomplishment for the committee was the preparation and publication of the *Attorney's Guide to Practicing With Paralegals*. The guide

was distributed to all attendees at the forum.

The committee continues gathering information on paralegal services performed under the direction and supervision of a licensed attorney in addition to the evaluation and development of policies and procedures regarding paralegals and their contribution to the legal profession. The committee also reports and acts on behalf of the State Bar in monitoring and oversight of the activities of the Paralegal Division of the State Bar of Texas.

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

*Justice Justin Brett Busby, Chair*

The committee published the 2012 edition of *Texas Pattern Jury Charges—Business, Consumer, Insurance, & Employment* in the fall of 2012. The 2012 edition includes new questions and instructions on invasion of privacy and breach of fiduciary duty, a new comment on preservation of error, and updated admonitory instructions reflecting revisions adopted by the Supreme Court. The 2012 edition also includes updates that incorporate changes in statutory and case law.

The committee has since been focusing its efforts on several new projects for the 2014 edition. The 2014 edition will include new questions and instructions on construction contracts, insurance contracts, misappropriation of trade secrets, and spoliation. The committee is also updating and revising the existing questions and instructions as needed. These revisions will include significant updates to the questions and instructions on employment discrimination, which must be rewritten to reflect recent statutory and regulatory changes. The committee also continues to work closely with the other Pattern Jury Charges committees and the Oversight Committee to main-

tain consistency among the volumes as new materials are added.

Drafts of the committee's work will be posted on TexasBarBooks.net prior to publication. The committee welcomes comments from practitioners and judges. Comments and questions regarding draft or existing charges, as well as suggestions for new topics to be included in future editions, may be sent to books@texasbar.com.

### **PATTERN JURY CHARGES—CRIMINAL**

*Alan Levy, Chair, and George Dix, Vice Chair*

The Pattern Jury Charges—Criminal Committee was created in June 2005 and has published four volumes of criminal pattern jury charges. *Texas Criminal Pattern Jury Charges—Intoxication and Controlled Substances* was published in fall 2009. *Texas Criminal Pattern Jury Charges—Crimes against Persons* was published in December 2011. Extensive commentaries accompany the instructions contained in each volume.

The fourth volume in the series, *Texas Criminal Pattern Jury Charges—Property Crimes*, was published in fall 2012 and consists of 300 pages of jury instructions and commentary on arson, criminal mischief, burglary, trespass, theft, misapplication of fiduciary property, and related punishment instructions.

The committee's work has been guided by the belief that juror comprehension of instructions will be improved by using plain language coupled with better organization and layout of jury charges.

In addition, the committee has updated the first two volumes of the series, *Texas Criminal Pattern Jury Charges—Intoxication and Controlled Substances*, and *Texas Criminal Pattern Jury Charges—Defenses*.

The committee has almost finished work on its next volume containing instructions for preparatory crimes and organized crime. We anticipate that the new volume will be published next year.

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

*Joan F. Jenkins, Chair*

Following the publication in 2012 of the *Texas Family Jury Charges—Family and Probate*, the first time that our publication was expanded to include probate charges, our committee continued to work on expanding the scope of the 49 probate charges under the able direction of Joyce Moore and other of our state's best probate attorneys.

At the close of the recent legislative session, the committee began reviewing all legislation that could impact charges in both the family law and probate arenas, making any needed revisions in time for the next edition of our publication.

### **PATTERN JURY CHARGES— GENERAL NEGLIGENCE AND INTENTIONAL PERSONAL TORTS**

*Brock C. Akers, Chair*

The Pattern Jury Charges Committee continues to do yeoman's work in the effort to best synthesize and properly recommend jury charge submissions in our area. After meeting multiple times through the year, we engaged in a variety of subjects, both new and old. In particular, we offer new submissions in the area of nuisance and commentary concerning preservation of jury charge error. What seems more important, however, relates to the continuing work to tweak and improve both the commentary and the suggested questions so that practitioners and judges alike may use the volume with great confidence.

One item of note and distinction is that this volume has been charged with including a section on jury submissions for workers' compensation matters. This has been a significant effort, which has involved a subcommittee of specialists in this area. The law continues to evolve in such a way as to dramatically affect submissions of workers' compensation matters, and this has led to a significant

revision effort on the part of this subcommittee. In addition to these efforts, we regularly ponder the potential of jury submissions in matters regarding seat belt use, different fact scenarios involving independent contractors, and negligent hiring. We are also working on a new section relating to trespass. And we expect to be ready for publication on all these matters in 2014.

The committee reflects a bipartisan effort of scholars dedicated to excellence who have spent countless hours working toward the sole goal of improving jurisprudence in our state. We will forever be open to advice and criticism so that we may do an even better job, year to year, in achieving our best possible work product.

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

*Jeff Levinger, Chair*

After more than two years of hard work, the committee was gratified to see the publication and robust sales of the 2012 edition of the *Texas Pattern Jury Charges—Malpractice, Premises, and Products*. A notable change to this edition was the inclusion of a new Chapter 72, which submits questions relating to certain Texas Penal Code violations that may be used to trigger the imposition of joint and several liability. The committee also made several significant revisions to the chapter on damages, including the addition of comments about the types of economic damages that may be recoverable in accounting malpractice cases, more precise definitions of the damages recoverable in negligent misrepresentation cases, and updated comments relating to medical care expenses. In addition, the definition of proximate cause underwent a slight revision to eliminate potentially confusing references to “events.” Finally, the admonitory chapter includes updated instructions to jurors, and the volume concludes

with a new Chapter 86 discussing the preservation of charge error.

The ink was barely dry on the 2012 edition when the committee reconvened to identify, research, and draft changes for the next edition that is slated for publication in late 2014. The committee expects that the 2014 edition will contain at least 15 significant revisions and additions, including questions for the Emergency Medical Treatment and Labor Act (the patient “anti-dumping” law), instructions in professional malpractice cases involving claims of fiduciary breach, and questions on all of the statutory grounds for removing the limitations on exemplary damages. In addition, the committee is monitoring pending Texas Supreme Court cases involving spoliation and causation, and is canvassing the legislative session to determine if any new statutes may affect the volume.

As always, the committee’s guiding principle is to “get it right,” and we welcome input from both the bench and the bar. Please send any comments, critiques, or suggestions to [books@texasbar.com](mailto:books@texasbar.com), and we will place them on our agenda for discussion.

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

*Judge Tracy Christopher, Chair*

The Oversight Committee reviews all changes made to each individual volume of the Pattern Jury Charges. The committee worked with the other PJC committees to achieve a consistent work product. The committee also suggested potential new areas for the individual volumes to consider.

### **PROFESSIONALISM**

*Kenda Culpepper, Chair*

This year, the goals of the Professionalism Committee focused on mentoring and continuing legal education. With the help of TexasBar-CLE and LeadershipSBOT, the committee worked to update the Tran-

sition to Practice mentoring program through the creation of six videos covering the suggested Transition to Practice speaking topics. These videos will be available free of charge to local bar associations. In addition, the committee added vignettes to the existing Transition to Practice tool kit, which follow two associates through their first year of practice, providing wisdom and guidance on the different problems and questions new attorneys often encounter. Members of the Professionalism Committee also contributed to the May issue of the *Texas Bar Journal* on mentoring and began work on an “Ethics Rolodex” of statewide CLE speakers on various professionalism and ethics topics that will be available on the State Bar website. At the State Bar Annual Meeting, the Professionalism Committee participated in an Early Morning Ethics presentation in conjunction with the Advertising Review Committee focusing on compliance, ABA best practices, the Texas Lawyer’s Creed, and more. The committee is additionally proud of its role in a process whereby the Texas Supreme Court and the Court of Criminal Appeals publicly reaffirmed the Texas Lawyer’s Creed.

### **PUBLIC AFFAIRS**

*Katari Buck, Chair*

The Public Affairs Committee works to expand public understanding of the legal system and the role of lawyers in the system and to foster relations with the news media to further these goals.

In 2012-2013, the committee continued its partnership with the Freedom of Information Foundation of Texas (FOIFT) in presenting the Texas Gavel Awards, which recognize outstanding journalism that enhances public understanding of the legal system. The committee issued a call for entries to Texas journalists, recruited a distinguished panel of experts to judge the competition, and presented

the Gavel Awards to the winners at a luncheon held in conjunction with the FOIFT annual conference.

The committee also continued its sponsorship of the Open Government Seminar at the State Bar Annual Meeting in partnership with the Government Law Section. A panel of leading lawyers, legislators, and journalists discussed the implications of the 2013 legislative session on open government in Texas.

In 2013-2014, the committee looks forward to continuing these activities and entertaining new ideas, such as a Law School for Journalists, to further expand public understanding of the legal system.

### REAL ESTATE FORMS

*Richard L. Spencer, Chair*

The Real Estate Forms Committee monitors changes in the field of real estate law and revises the *Texas Real Estate Forms Manual*. During the 2012-2013 bar year, the committee made a complete review of the manual, streamlined formatting issues, and resolved any inconsistencies in “boilerplate” language. The committee will address changes driven by federal and case law to maintain the manual’s legal accuracy and relevance as an important tool for Texas lawyers.

### TEXAS BAR JOURNAL BOARD OF EDITORS

*Michael C. Smith, Chair*

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

In 2012-2013, the *Texas Bar Journal* Board of Editors developed issues on a number of subjects, including globalization and international law, incarceration, attorneys’ fees, the graying of the profession, and mentoring. The *Journal* also featured several State Bar and Texas Young Lawyers Association initiatives, including human trafficking. The board offered informative “Year in Review” and “Legislative Update” issues and also worked with staff members to implement a redesign for the magazine beginning in January 2013. The magazine also began publishing a series of articles from its archives to celebrate the 75th anniversary of the *Texas Bar Journal*.

### TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

*Patricia Chamblin, Chair*

The Texas Disciplinary Rules of Professional Conduct Committee evaluates and suggests revisions to the Disciplinary Rules and Comments. This year, the committee’s work focused on the amendments to the American Bar Association’s Model Rules of Professional Conduct. Those amendments, which were passed on Aug. 6, 2012, and Feb. 11, 2013, focused on issues such as technology, confidentiality, competence, terminology, unauthorized practice of law/multijurisdictional practice, registration of in-house counsel, pro hac vice admission, and disciplinary authority/choice of law. The committee plans to complete its review of these ABA amendments during this bar year.

### WEB SERVICES

*Michelle Cheng, Chair*

This past bar year, the committee met several times to review and discuss replacement platforms for the bar’s private social network for lawyers, Texas Bar Circle. The committee evaluated platforms that will provide single sign-on integration with the bar’s member portal, My Bar Page, along with improved group discussion features

including file libraries, event registration, microsites, and mobile access. The upgraded site will include improved member profiles that allow members to search for and network with attorneys who share similar practice areas or interests. The new community is expected to launch by the fall of 2013.

The committee also helped plan the fourth annual Adaptable Lawyer Legal Innovation track for the 2013 State Bar Annual Meeting, which for the first time included “Ignite SBOT,” a series of five-minute presentations on the changing business of law. Jordan Furlong, a legal futurist from Ottawa, Canada, was keynote speaker for the event.

### WOMEN IN THE PROFESSION

*Judy L. Ney, Chair*

The committee has continued publicity for its book on the history of the lives and careers of women lawyers in Texas, *Rough Road to Justice: The Journey of Women Lawyers in Texas*, by Betty Trapp Chapman, published by Texas Bar Books. Another ongoing project is the creation of a presentation to address the next generation of solutions to advance and retain women lawyers, specifically aimed at human resources and diversity officers in the law firm management arena regarding the stagnation that the profession has experienced with respect to gender bias. Committee members continue to support and meet in conjunction with the Texas Minority Counsel Program and participated in the interviews for a new minority director. The committee is gathering a list of awards for women attorneys and researching ways for attaining local, state, national, and international recognition. The committee is developing a method to analyze the statistical data of women attorneys in Texas and to start an ongoing profile of such information. As always, the committee continues to work with other bar groups and sections to promote the interests of women in the legal profession. **TBJ**