

# Board Continues Work ON DIVERSITY ISSUES

**THE STATE BAR OF TEXAS BOARD OF DIRECTORS** continued discussions on diversity, equity, and inclusion issues during its quarterly meeting on January 22.

The board voted to refer a proposal to the Task Force on Diversity, Equity, and Inclusion that, as drafted by director Steve Fischer, would add language to the aspirational Texas Lawyer's Creed related to ensuring all people have access to competent legal representation regardless of "ethnicity, gender, sexual orientation or physical disability."

The board also heard updates from committees looking at possible changes to disciplinary rules and minimum continuing legal education standards.

The board in September asked its Discipline & Client Attorney Assistance Program Committee to study American Bar Association Model Rule 8.4(g), which deals with harassment and discrimination. Director Stephen Naylor, who leads the committee, reported that after reviewing existing court challenges, scholarly review articles, and other materials, the committee unanimously agreed that no further action should be taken on the model rule. An existing rule, Rule 5.08 of the Texas Disciplinary Rules of Professional Conduct, addresses prohibited discriminatory activities in connection with adjudicatory proceedings. The committee continues to review that rule for possible changes, Naylor said.

John Boyce, who chairs the bar's Minimum Continuing Legal Education Committee, reported on a board request to consider making implicit bias training a requirement for all Texas attorneys. Boyce said the committee prefers an approach where implicit bias training would count toward an attorney's ethics MCLE requirement but would not be mandatory. According to Boyce, the committee also agrees that attorney wellness topics should be eligible for ethics MCLE credit. The committee is expected to make its final recommendations to the board in April.

**Finance and budget.** The State Bar received an unmodified, or "clean," opinion for its 2019-2020 fiscal year financial audit. The board approved the proposed 2021-2022 fiscal year

budget for publication in this issue of the *Texas Bar Journal* (see page 230). A public hearing will be held on April 6, followed by a board vote on April 16 to submit the proposed budget to the Texas Supreme Court for review and approval.

**Ombudsman report.** Stephanie Lowe, ombudsman for the attorney discipline system, discussed her office's annual report, which is available at [texasbar.com/annualreports](https://texasbar.com/annualreports).

**Task force updates.** The board received updates from the chairs of the Presidential Task Force on Criminal Court Proceedings; Task Force on Public Protection, Grievance Review, and the Client Security Fund; and the Courthouse Access Badge Workgroup.

**Board chair election.** The board heard comments from the five candidates for 2021-2022 chair of the board: Christina M. Davis, of Tyler; Adam T. Schramek, of Austin; David Sergi, of San Marcos; Diane St. Yves, of Houston; and Santos Vargas, of San Antonio. The board will vote to elect a new chair at its April 16 meeting.

**Recognitions.** President Larry McDougal presented resolutions honoring attorneys Bobby D. Mims, Nathan Cash, Shannon Dacus, Buck Files, and Kristina Ross, all of Tyler; Kenda Culpepper, of Rockwall; former 387th District Judge Brenda Mullinix, of Richmond; retired Texas Supreme Court Justice Paul W. Green, of San Antonio; and retired Texas Court of Criminal Appeals Judge Michael Keasler, of Austin. Executive Director Trey Apffel presented Staff Excellence Awards to Deserea Serna, of TexasBarCLE, and Paula Vickery, of the membership department.

**Looking ahead.** The next quarterly board meeting is April 16. Comments to the board can be emailed to [boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com). To find your district directors, go to [texasbar.com/board](https://texasbar.com/board) and click on "Board Members." **TBJ**

#### FOR MORE INFORMATION

Go to [youtube.com/statebaroftexas](https://youtube.com/statebaroftexas) to watch the January 22 board of directors meeting. Find the agenda and meeting materials at [texasbar.com/bodmaterials](https://texasbar.com/bodmaterials).