

**PUBLIC HEARING AND MEETING OF THE
COMMITTEE ON DISCIPLINARY RULES AND REFERENDA**

April 6, 2022
By Teleconference

MINUTES

CALL TO ORDER OF PUBLIC HEARING

Chair Kinard called to order the public hearing on proposed Rules 1.00, 1.09, 1.10, and 3.09, Texas Disciplinary Rules of Professional Conduct, at 10:04 a.m.

COMMENTS FROM THE CHAIR

Chair Kinard welcomed everyone to the meeting and thanked all who called in for their participation. He explained the Committee's purpose and mandate, where to find all information about the Committee, and encouraged the public to participate in the process. He stated that: 1) the Committee adheres to the system created by the Texas Legislature for the Bar and the State; 2) the Committee cannot fulfill its legislative mandate without public participation; 3) the Committee follows a process in which it initiates proposed rules, but the process involves many subsequent steps to develop proposed rules; and 4) the Committee considers all proposed rules in an open and transparent manner and needs the public to stay involved throughout the process.

Chair Kinard stated that the Committee has committed to hold at least one public hearing for each proposed rule it considers, even if not required by statute. He explained the public hearing procedures.

Mr. Ducloux noted that all members of the Committee were present for the public hearing, although Chair Kinard stated that roll call would be taken for the meeting following the public hearing.

**PUBLIC HEARING ON PROPOSED RULES 1.00 (TERMINOLOGY), 1.09
(CONFLICT OF INTEREST: FORMER CLIENT), 1.10 (IMPUTATION OF
CONFLICTS OF INTEREST: GENERAL RULE), 3.09 (SPECIAL
RESPONSIBILITIES OF A PROSECUTOR) OF THE TEXAS DISCIPLINARY
RULES OF PROFESSIONAL CONDUCT**

Members of the public addressed the Committee on proposed Rules 1.00, 1.09, and 1.10 during the public hearing. Committee members asked questions regarding public comments on proposed Rules 1.00, 1.09, and 1.10.

After the Committee heard members of the public on proposed Rules 1.00, 1.09, and 1.10, members of the public addressed the Committee on proposed Rule 3.09. Committee members asked questions regarding public comments on proposed Rule 3.09.

Chair Kinard thanked the members of the public for commenting in writing and at the hearing. He stated that the last day of the public comment period was April 5, 2022, but he encouraged members of the public to submit comments through today, April 6, 2022, for the Committee to consider. Committee members noted and appreciated that seventy-six (76) members of the public were present at the hearing and that the Committee members heard comments for over two (2) hours.

Chair Kinard concluded the public hearing at 12:23 p.m.

CALL TO ORDER OF MEETING AND ROLL CALL

Chair Kinard called the meeting to order at 12:24 p.m. Mr. Squires called the roll and a quorum was present.

Members Present: Chair M. Lewis Kinard; Timothy D. Belton; Amy Bresnen; Robert Denby; Claude Ducloux; Judge Phyllis Gonzalez; Rick Hagen; and Karen Nicholson.

Members Absent: Professor Vincent Johnson

State Bar of Texas Staff Present: Ray Cantu, Deputy Executive Director; Cory Squires, Staff Liaison; Andrea Low, Disciplinary Rules and Referenda Attorney.

APPROVAL OF THE MINUTES OF THE LAST MEETING

Mr. Ducloux moved to approve the Minutes of the February 2, 2022, meeting. Mr. Denby seconded the motion. The motion carried unanimously.

AGENDA ITEMS FOR FUTURE MEETINGS

Chair Kinard asked whether Committee members had any topics they would like to add to the agenda for the May 4, 2022, meeting.

Mr. Ducloux inquired whether the four proposed rules considered at the public hearing would be on the agenda for the May 4, 2022, meeting. Chair Kinard confirmed that those proposed rules would be on the agenda for discussion and possible action. The Committee discussed the timeline for the proposed rules, including the statutory requirement for the Committee to vote on whether to recommend the proposed rules to the State Bar Board of Directors not later than the 60th day after the final day of the comment period, which was April 5, 2022. Chair Kinard explained that the Committee may extend the comment period or may reinstate any proposed rules if the Committee decides not to make a recommendation on the proposed rules to the Board by June 4, 2022.

ADJOURNMENT

Mr. Ducloux moved to adjourn the meeting. Ms. Bresnen seconded the motion. The motion carried unanimously. The meeting adjourned at 12:35 p.m.