

## **MEETING OF THE COMMITTEE ON DISCIPLINARY RULES AND REFERENDA**

April 7, 2021  
By Teleconference

### **MINUTES**

Members Present: Chair M. Lewis Kinard; Timothy D. Belton; Amy Bresnen; Claude Ducloux; Rick Hagen; Professor Vincent Johnson.

Members Not Present: Justice Dennise Garcia; W. Carl Jordan; Karen Nicholson.

State Bar of Texas Staff Present: Ray Cantu, Deputy Executive Director; Seana Willing, Chief Disciplinary Counsel; Brad Johnson, Disciplinary Rules and Referenda Attorney; Cory Squires, Staff Liaison.

#### **A. CALL TO ORDER; ROLL CALL**

Mr. Kinard called the meeting to order at 10:33 a.m. Mr. Squires called the roll and a quorum was present.

#### **B. COMMENTS FROM THE CHAIR**

##### **Update on the Results of the 2021 Rules Vote by State Bar of Texas Membership**

Mr. Kinard provided an update on the 2021 rules vote by State Bar of Texas membership. Mr. Kinard explained that every ballot item passed. Mr. Kinard thanked everyone on the Committee, as well as State Bar Executive Director Trey Apffel, Mr. Cantu, Mr. Squires, Mr. Brad Johnson, and everyone who contributed to the effort. Mr. Kinard thanked the members of the State Bar who took the time to vote. Mr. Kinard further discussed the results of the 2021 rules vote. Mr. Kinard stated that the Committee's work is not finished, and that the Committee continues to look at new proposals and to urge lawyers, committees, sections, and other groups to get involved and stay involved.

##### **Update on the Scheduled Deliberations by the Supreme Court of Texas on the Proposed Amendments to the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure**

Mr. Kinard explained that the Supreme Court of Texas is scheduled to publicly deliberate on the proposed rule amendments approved by State Bar members on May 4 at 9:00 a.m., and that the deliberations can be viewed on the Court's YouTube channel. Mr. Kinard further discussed the Court's scheduled deliberations, as well as the rule proposal process set out in Chapter 81 of the Government Code.

#### **C. APPROVAL OF THE MINUTES OF THE LAST MEETING**

Mr. Kinard addressed the Committee on this agenda item. Mr. Ducloux made a motion to approve the minutes of the March 3, 2021, meeting. Ms. Bresnen seconded the motion. The Committee voted

in favor of the motion.

#### **D. PUBLIC HEARING ON PROPOSED RULE 1.17. SALE OF LAW PRACTICE, TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT (TDRPC)**

Mr. Kinard called the public hearing on proposed Rule 1.17 to order and explained the public hearing procedures. The following members of the public addressed the Committee during the public hearing: Greg Sampson, Laurin Currie, Richard Armstrong, Professor Fred Moss, and Susan Morrison. Committee members responded with questions and comments. The Committee will accept public comments on proposed Rule 1.17 through May 4, 2021. The Committee can vote at its May 5, 2021, meeting or its June 10, 2021, meeting on whether to recommend the proposal to the State Bar Board of Directors, as well as on possible amendments to the proposal.

#### **E. SCHEDULE SEPTEMBER 2021 COMMITTEE MEETING**

Mr. Kinard addressed the Committee on this agenda item. The Committee discussed September 1, 2, or 14 as a possible date for the Committee's September 2021 meeting. The Committee tentatively selected September 1, 2021, as the meeting date, but will consider it again at the Committee's May 5, 2021, meeting. The Committee discussed a 10:00 a.m. start time for the September 2021 meeting.

#### **F. PROPOSED RULE TIMELINES**

Mr. Brad Johnson addressed the Committee on timelines related to proposed Rule 1.00 (Terminology), TDRPC, and proposed Rule 1.17 (Sale of Law Practice), TDRPC.

#### **G. AGENDA ITEMS FOR NEXT MEETINGS**

Mr. Kinard addressed the Committee on this agenda item. Mr. Kinard suggested including a discussion and possible action item on the May 5, 2021, meeting agenda for any requests from the Supreme Court of Texas that come out of the Court's May 4, 2021, deliberations. The Committee will hold a public hearing on proposed Rule 1.00 (Terminology), TDRPC, at its June 10, 2021 meeting.

#### **H. ADJOURNMENT**

Mr. Ducloux made a motion to adjourn. Ms. Bresnen seconded the motion. The Committee voted in favor of the motion. The meeting adjourned at 11:54 a.m.