

MEETING OF THE COMMITTEE ON DISCIPLINARY RULES AND REFERENDA

August 7, 2019
Texas Law Center, Room 102
Austin, Texas
And by Teleconference

MINUTES

Members Present: Chairman M. Lewis Kinard; Timothy Belton; Amy Bresnen; Claude Ducloux; Hon. Dennise Garcia; Rick Hagen; Dean Vincent Johnson; W. Carl Jordan; Karen Nicholson.

State Bar of Texas Staff Present: Ray Cantu, Deputy Executive Director; Brad Johnson, Disciplinary Rules and Referenda Attorney.

A. CALL TO ORDER; ROLL CALL

Mr. Kinard called the meeting to order at 10:06 a.m. Brad Johnson called the roll and a quorum was present.

B. COMMENTS FROM THE CHAIR

Mr. Kinard expressed his appreciation for the public comments received in the rule proposal process and encouraged continued public feedback in the process.

C. APPROVAL OF THE MINUTES OF THE LAST MEETING

Mr. Kinard addressed the Committee on this agenda item. Mr. Ducloux made a motion that the Committee approve the minutes from the July 23, 2019, meeting. Ms. Bresnen seconded the motion. The Committee voted in favor of the motion.

D. DISCUSSION AND POSSIBLE ACTION: DRAFT PROPOSED COMMENTS TO PROPOSED RULE 1.01. COMPETENT AND DILIGENT REPRESENTATION, TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT (TDRPC)

Mr. Kinard addressed the Committee on this agenda item and Brad Johnson responded with comments. Mr. Ducloux addressed the Committee on the subject and Dean Johnson responded with comments. The Committee discussed possible amendments to the draft proposed comments to proposed Rule 1.01, TDRPC. The Committee approved changes to the draft proposed comments, which will be included in the rule proposal materials submitted to the State Bar of Texas Board of Directors.

E. DISCUSSION AND POSSIBLE ACTION: REVISED PROPOSAL ON LAWYER ADVERTISING RULES – PART VII. INFORMATION ABOUT LEGAL SERVICES, TDRPC

Mr. Kinard address the Committee on this agenda item and Ms. Nicholson responded with

comments. Dean Johnson addressed the Committee regarding suggested changes to the proposed advertising rules. The Committee responded with comments and further discussed the proposed rules. Brad Johnson addressed the Committee on the subject and the Committee responded with comments. The Committee will consider draft revisions to the proposal at its September 3, 2019, meeting. No formal action was taken on this agenda item. The Committee can vote at its September 3, 2019, meeting on whether to recommend the proposal to the State Bar of Texas Board of Directors.

F. DISCUSSION AND POSSIBLE ACTION: PROPOSED RULE 3.02. ASSIGNMENT OF JUDGE, TEXAS RULES OF DISCIPLINARY PROCEDURE (TRDP)

Mr. Ducloux addressed the Committee on the rule proposal process relating to Rule 3.02, TRDP. The Office of the Chief Disciplinary Counsel is expected to provide additional feedback on the subject for the next meeting. The item will be on the September 3, 2019, meeting agenda. No formal action was taken on this agenda item.

G. DISCUSSION AND POSSIBLE ACTION: SUPREME COURT OF TEXAS REQUEST FOR A RECOMMENDATION ON A COMMENT TO RULE 3.06. MAINTAINING INTEGRITY OF JURY SYSTEM, TDRPC (ADDRESSING LAWYER ACCESS TO JUROR SOCIAL MEDIA)

Ms. Bresnen addressed the Committee on Rule 3.06, TDRPC, and the issue of lawyer access to juror social media. The Committee responded with comments and further discussed the issue. The subcommittee on juror access to social media (Ms. Bresnen, Mr. Belton, and Dean Johnson) will prepare draft language for the Committee's consideration at the Committee's next meeting. The item will be on the September 3, 2019, meeting agenda. No formal action was taken on this agenda item.

H. PROPOSED RULE TIMELINES

Brad Johnson addressed the Committee regarding timelines for the proposed advertising rules and a proposal on Rule 3.02, TRDP.

I. AGENDA ITEMS FOR NEXT MEETINGS

Mr. Kinard addressed the Committee regarding agenda items for the next meeting and Brad Johnson responded with comments. Mr. Ducloux and Mr. Hagen addressed the Committee on the subject.

J. ADJOURNMENT

Mr. Ducloux made a motion to adjourn. Ms. Bresnen seconded the motion. The Committee voted in favor of the motion and the meeting adjourned at 11:51 a.m.