

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

November 7, 2018  
Texas Law Center, Room 103  
Austin, Texas

### **MINUTES**

#### **CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

In attendance: Chairman M. Lewis Kinard; Claude Ducloux; Amy Bresnen; Timothy Belton; Hon. Dennise Garcia; W. Carl Jordan; Vincent Johnson and Jane King. Also present: Ray Cantu, Director; Michelle Jordan, Staff Attorney and Cory Squires, Staff Liaison.

Not present: Rick Hagen

#### **A. APPROVAL OF MINUTES**

The Committee reviewed the minutes from the October 3, 2018 meeting. A correction regarding a date was recommended by the Committee. Mr. Ducloux made a Motion that the Committee approve the minutes subject to the change being made. The Motion was seconded by Ms. Bresnen. The Committee voted in favor of the Motion.

#### **B. ADVERTISING RULES**

Mr. Johnson discussed a new version of proposed rule 7.03 that the subcommittee had presented to the full Committee. He described the changes as “word-smithing” to make the rule read more clearly. He also described one substantive change with regard to nominal gifts provided to clients by lawyers. The Committee discussed the potential changes.

Mr. Ducloux made a Motion to approve and publish the new version of proposed rule 7.03. Mr. Jordan seconded the Motion. The Committee voted in favor of the Motion.

Mr. Jordan addressed issues with regard to proposed rules 7.04 and 7.05 and the Committee discussed these potential issues. The Committee concluded that the potential issues did not warrant change of the proposed rules.

Mr. Ducloux made a Motion to publish all of the advertising rules. Mr. Jordan seconded the Motion. The Committee voted in favor of the Motion.

#### **C. PUBLIC COMMENTS TO PROPOSED RULES 18-3 AND 18-4**

The Committee discussed the methods by which public comments are collected and organized for review. Additionally the Committee discussed specific comments that were submitted. Cory Squires explained how the public comments are posted on the webpage and accessibility.

#### **D. PROPOSED RULE 18-3**

The Committee discussed whether it should recommend this proposed disciplinary rule, 1.05(c)(9), to the State Bar of Texas Board of Directors. Mr. Ducloux made a Motion to recommend this proposed disciplinary rule to the Board of Directors. The Motion was seconded by Mr. Johnson. A Roll Call Vote was conducted:

Mr. Belton	AYE
Ms. Bresnen	AYE
Mr. Ducloux	AYE
Ms. Garcia	AYE
Mr. Hagen	Not Present
Mr. Johnson	AYE
Mr. Jordan	AYE
Mr. Kinard	AYE
Ms. King	AYE

The Motion passed. Cory Squires will draft a letter for the Chairman, Mr. Kinard, to present to the Board of Directors. The submission will also contain the comments to the rule.

#### **E. PROPOSED RULES 18-4**

The Committee discussed whether it should recommend these proposed disciplinary rules, 1.02(g) and 1.16, to the State Bar of Texas Board of Directors. Mr. Ducloux made a Motion to recommend these proposed disciplinary rules to the Board of Directors. The Motion was seconded by Mr. Johnson. A Roll Call Vote was conducted:

Mr. Belton	AYE
Ms. Bresnen	AYE
Mr. Ducloux	AYE
Ms. Garcia	AYE
Mr. Hagen	Not Present
Mr. Johnson	AYE
Mr. Jordan	AYE
Mr. Kinard	AYE
Ms. King	AYE

The Motion passed. Cory Squires will draft a letter for the Chairman, Mr. Kinard, to present to the Board of Directors. The submission will also contain the comments to the rules.

#### **F. RULE 6.05- CONFLICTS AND PRO BONO**

The Committee will ask those advocating for a proposed new rule on this subject to speak to the Committee at the Committee's January meeting.

#### **G. AGENDA ITEMS FOR THE NEXT MEETING**

At its December meeting, the Committee will discuss Rule 1.01 as well as comment 8 and the Committee's recommendation as to additional language being added to comment 8 as the Supreme Court asked the Committee to consider. A subcommittee will be formed to evaluate this issue and will be comprised of Mr. Johnson, Mr. Ducloux and Ms. Bresnen.

## **H. WEBPAGE**

Cory Squires described the changes made to the CDRR webpage to address concerns regarding accessibility. The Committee discussed the webpage changes.

## **I. ANNUAL REPORT**

Mr. Squires presented the draft of the annual report and the Committee discussed the report.

## **ADJOURNMENT**

Ms. Bresnen made a Motion to Adjourn. Mr. Belton seconded the Motion. The Committee voted in favor of the Motion and the meeting adjourned at 11:20 a.m.