

# State Bar of Texas



## 2018 – 2019 Committee Review Subcommittee Report

### Overview

The State Bar Act (Section 81.122) requires the State Bar Executive Committee to review standing and special committees of the State Bar on a biennial basis. The Executive Committee is charged with determining whether there is a continued need for each committee and whether there is any unnecessary overlap of committee activities, as well as recommending any changes to State Bar policies governing committees.

Since 2004, standing and special committees have been reviewed and various recommendations have been adopted by the State Bar Board of Directors. Recommendations have included making changes to Board Policy, changing committee names, redefining purpose clauses, and eliminating several committees.

A Committee Review Subcommittee was appointed at the beginning of the current Bar year. They met on December 14, 2018 in Austin at the Texas Law Center to finalize its recommendations. The subcommittee members conducted an extensive review of all standing and special committees by attending meetings and gathering information from committee leadership, board liaisons, and staff liaisons.

### Committee Review Process

The subcommittee established a review process to evaluate the effectiveness of all State Bar standing and special committees. Subcommittee members evaluated all committees on their relevance in accordance with the State Bar Act, Strategic Plan, and Board Policy. The subcommittee also evaluated whether a committee's purpose or activities overlap with the purpose and activities of other committees or sections of the State Bar. The review included the following:

- Collecting information about the purposes, goals, and activities of each standing committee;
- Comparing the goals and activities of each standing committee, including each committee's purpose clause with the reasons why each committee was originally created, and with the requirements of the State Bar Act, Strategic Plan, and Board Policy;
- Assessing each standing committee's activities, accomplishments, and financial information; and
- Reviewing State Bar policies and procedures governing standing and special committees.

### Subcommittee Recommendations

After extensive review, the Committee Review Subcommittee recommends that the majority of the committees should continue in their current format with no changes, with the exception of two committees. The subcommittee also recommends additional changes as explained below.

### **Child Abuse and Neglect Committee**

In 2018, the State Bar Board approved a new Child Protection Law Section of the State Bar. Members of the Child Abuse and Neglect Committee helped form the section, and the intent was for the committee to subsequently be discontinued because it was understood there would be overlap of activities between the two entities. In addition, as the section was created, there is overlap in the leadership for the section and the committee. The current Chair of the committee is serving as the Chair-elect of the section, and other committee members serve on the section council as well. As a result, there is significant overlap between the committee and the section both in its activities and leadership.

Based on these findings, the Committee Review Subcommittee recommends that the Child Abuse and Neglect Committee be eliminated. Any specific functions of the committee can be performed by the Child Protection Law Section as desired, using the resources of close to 800 members of the section.

### **Pattern Jury Charge (PJC) and Real Estate Forms Committees**

In 2015, the Board approved term limits for members of the PJC and Real Estate Forms Committees. The policy limited members to serving nine consecutive years on the committee. Prior to this policy, there were no term limits for members serving on these committees. All other committees have term limit requirements of serving six consecutive years on a committee.

The Committee Review Subcommittee received feedback on the term-limit policy from a chair of one of the PJC committees. There is concern that the committee loses continuity, longevity, and experience because members are required to roll off these committees every nine years. In an effort to retain experience on the PJC and Real Estate Forms committees, the Committee Review Subcommittee recommends increasing the number of Advisory Members from two members to four members per committee. Advisory members are non-voting members who serve one-year terms, and whose travel expenses are reimbursed. All other committees will retain their limit of two Advisory Members. This policy change will allow more committee members to stay on in an advisory capacity, so the committee will be able to retain the knowledge and experience on the committee.

The corresponding amendment to Board policy is proposed below:

#### ***4.01.03 Advisory Members.***

(A) In addition to regular Standing Committee members, the President-elect may appoint up to two advisory members of each committee as the President-elect deems advisable. [On the Pattern Jury Charge and Real Estate Forms Committees, up to four advisory members may be appointed to each of these committees as the President-elect deems advisable.](#)

### **Pattern Jury Charges–Business, Consumer, and Employment**

This committee has continued to expand and work on new topics to be added to its pattern jury charge publication. They have done a significant amount of work on insurance issues and have added the word “Insurance” into the title of their new PJC book. In order to capture this topic in its committee structure, they recommend adding “Insurance” in the title as follows: “Pattern Jury Charges–Business, Consumer, Insurance and Employment.” The Committee Review Subcommittee approved this recommendation to update the name of the committee.

### **Texas Disciplinary Rules of Professional Conduct (TDRPC) Committee**

As a result of the most recent Sunset Review of the State Bar of Texas, a new procedure was instituted to develop and review disciplinary rules and disciplinary procedural rules. Section 81.0872 of the State Bar Act establishes a new Committee on Disciplinary Rules and Referenda (CDRR) to regularly review the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. Previously, the TDRPC Committee performed the function of

developing and reviewing the Texas Disciplinary Rules of Professional Conduct.

Because there is a new statutorily defined entity (CDRR) that is charged with overseeing the rule development process, the TDRPC Committee no longer performs this function. Accordingly, the Committee Review Subcommittee recommends eliminating the TDRPC Committee.

### **Committee Reports**

Currently, Board Policy requires each committee to submit an outline of projects and objectives for the coming year by September 30. The Committee Review Subcommittee recommends changing this date to September 1 of every year, so that these reports can be included in the board packet at the September Board meeting.

### **Conclusion**

The State Bar currently has a total of 30 standing committees and one special committee. Overall, the committee structure of the Bar is sound and is meeting the goals established by the State Bar Act, Strategic Plan, and Board Policy. The Committee Review Subcommittee concludes that there is a continuing need for the majority of committees, with the exception of the two that are noted in this report. The subcommittee also concludes that all committees are generally working on mutually exclusive projects, and that there is no substantial or unnecessary overlap among committee activities. In summary, the subcommittee makes the following recommendations to the State Bar Board of Directors:

1. Eliminate the Child Abuse and Neglect Committee;
2. Increase the number of Advisory Members on the Pattern Jury Charge and Real Estate Forms Committees from two to four members;
3. Add the word “Insurance” to the Pattern Jury Charge–Business, Consumer, and Employment Committee;
4. Eliminate the Texas Disciplinary Rules of Professional Conduct Committee; and
5. Change the reporting date for committees to submit their goals and objectives report to September 1 of every year.

These conclusions and recommendations will be presented to the Board of Directors of the State Bar of Texas at the Board meeting on January 18, 2019. It is recommended that these changes, if adopted by the Board, become effective on June 1, 2019, in conjunction with the start of the State Bar fiscal year for 2019-2020.

This report is submitted on behalf of the Committee Review Subcommittee, whose members include: Joe K. Longley, (Chair), Randy Sorrels, Charlie Ginn, Wendy-Adele Humphrey, Laura Gibson, Greg Sampson and Dinesh Singhal.

Respectfully Submitted,

Joe K. Longley, Chair

**Summary of Committee Recommendations**

<b>Standing Committee</b>	<b>Recommendation</b>	<b>Notes</b>
Admin. of Rules of Evidence	Continue with no changes	n/a
Advertising Review	Continue with no changes	n/a
Bar Journal Editorial Board	Continue with no changes	n/a
Child Abuse & Neglect	Eliminate as standing committee	Significant overlap with Child Protection Section. Eliminate committee name in Board Policy section 4.01.05.
Continuing Legal Education	Continue with no changes	n/a
Council of Chairs	Continue with no changes	n/a
Court Rules	Continue with no changes	n/a
Disability Issues	Continue with no changes	n/a
Diversity in the Profession	Continue with no changes	n/a
Jury Service	Continue with no changes	n/a
Law Focused Education	Continue with no changes	n/a
Law Practice Management	Continue with no changes	n/a
Laws Relating to Immigration & Nationality	Continue with no changes	n/a
Lawyers' Assistance Program	Continue with no changes	n/a
Legal Services to the Poor in Civ. Matters	Continue with no changes	n/a
Legal Services to the Poor in Crim. Matters	Continue with no changes	n/a
Local Bar Services	Continue with no changes	n/a
MCLE	Continue with no changes	n/a
Pattern Jury Charges– Bus, Consumer & Employment	Continue with modification of name to “PJC – Business, Consumer, <u>Insurance</u> , and Employment”	Update name change in Board policy section 4.01.05.
Pattern Jury Charges– Criminal	Continue with no changes	Increase Advisory Members from two to four.
Pattern Jury Charges– Family	Continue with no changes	Increase Advisory Members from two to four.
Pattern Jury Charges– General Negligence and Intentional Personal Torts and Workers Compensation	Continue with no changes	Increase Advisory Members from two to four.
Pattern Jury Charges– Malpractice, Premises, & Products	Continue with no changes	Increase Advisory Members from two to four.

Pattern Jury Charges–Oil & Gas	Continue with no changes	Increase Advisory Members from two to four.
Pattern Jury Charges–Oversight	Continue with no changes	Increase Advisory Members from two to four.
Professionalism	Continue with no changes	n/a
Public Affairs	Continue with no changes	n/a
Real Estate Forms Manual	Continue with no changes	Increase Advisory Members from two to four.
Texas Disc. Rules of Professional Conduct (TDRPC)	Eliminate as standing committee	The State Bar Act requires that the new “Committee on Disciplinary Rules and Referenda” (CDRR) study and make proposals on the disciplinary rules. The TDRPC is subsequently eliminated because of the overlapping functions. Delete reference in Board Policy 4.01.05.
Women in the Profession	Continue with no changes	n/a
<b>Special Committee</b>	<b>Recommendation</b>	<b>Notes</b>
Annual Meeting	Continue with no changes	n/a