



Reopening Courts Means **CAREFULLY BALANCING PRIORITIES**

AS A CRIMINAL DEFENSE LAWYER, I am mindful of the need to resume criminal court proceedings in a way that balances public health and safety with the constitutional rights of the accused. In June, the State Bar Board of Directors approved my request to form the 17-member Presidential Task Force on Criminal Court Proceedings to support the judiciary's plans to resume operations in light of the COVID-19 pandemic. I'm pleased to report the task force has released a set of recommendations that will help ensure our courts strike that balance.

Following nine weeks of remote meetings, the task force produced an interim report on August 26 containing 14 recommendations. The members included judges, prosecutors, and defense lawyers from across Texas. All agreed that no trial should proceed unless the safety of all participants and the constitutional rights of the accused are adequately protected, and their recommendations guide the way to achieving those goals.

One example of the balancing act is face coverings. The task force supported requiring face coverings (shields and masks) in court, but said witnesses should remove their masks while testifying so practitioners have an unobstructed view of their faces. Another example is the issue of how to safely handle physical evidence. The task force supports the creation of protocols in advance of a trial for the safe handling of evidence—which could include digitizing evidence—but would not limit the right of any party to safely publish admitted physical evidence to a jury. I encourage you to read the task force report at texasbar.com/president, under the “Initiatives” heading.

The recommendations have been well received by the Texas Supreme Court and the Office of Court Administration. The OCA's subsequent recommendations to the court regarding jury proceedings reflect the task force's input. “The work of the task force was extremely beneficial to OCA as we prepared our report and recommendations to the Supreme Court,” said David Slayton, OCA administrative director. “Almost all of the recommendations of the task force were incorporated in our recommendations and will be helpful to courts as they plan to resume jury trial proceedings.”

I want to thank the task force co-chairs—124th State District Judge Alfonso Charles, Texas District & County Attorneys Association President Kenda Culpepper, and Texas Criminal Defense Lawyers Association President Grant Scheiner—and all task force members for their work. This is a great example of lawyer self-governance in action and of the good that comes when various segments of our bar bring their expertise to bear to solve big problems.

Eviction Resources for Attorneys and the Public

As mentioned in my email message on September 3, the State Bar has gathered resources related to the potential eviction crisis for attorneys around the state to access and share with those in need. These resources include free informational videos about COVID-19 and tenant-landlord legal issues, links to social service and legal aid agencies, and information on how to volunteer to take pro bono cases. You can find these resources at texasbar.com/renterinfo.

LARRY MCDUGAL

President, 2020-2021
State Bar of Texas



Promises **KEPT**

AT THE SEPTEMBER QUARTERLY MEETING of the State Bar of Texas Board of Directors, I announced my action plan on issues of diversity, equity, and inclusion. Central to my plan is a series of virtual community conversations on race relations to be held for each of the 17 State Bar director districts across the state.

My goal is that every Texas lawyer will receive an email invitation to participate in at least one of these free events before my term as president ends in June 2021. The concept is based on *Together We Dine*, a successful project started in 2017 by the Dallas-based Project Unity initiative in partnership with the Dallas Bar Association that brings together diverse groups for facilitated conversations about race over dinner.

This is a non-confrontational listening exercise, and it allows people to openly discuss racism in a way some of us never have before. Count me in that category: For years I've regularly gone hunting or fishing or played golf with Black friends. They have stayed at my home and shared meals at my dinner table, but we never discussed racism. When I attended a virtual *Together We Dine* event recently, I found a safe place for everyone to discuss racism.

State Bar District Director Rob Crain, who helped launch *Together We Dine* as Dallas Bar Association president in 2017, is helping me spearhead this statewide initiative. Project Unity has graciously agreed to provide facilitators and run the programs for the bar.

Also as part of my plan, I want to work to increase minority representation on boards and committees by updating appointment interest forms so applicants can indicate their race/ethnicity, sex, gender identity, and sexual orientation. As president-elect last year, I was responsible for making appointments to various boards and committees, and I spent considerable time researching applicants to make sure my appointments were diverse. We should make it easier on future presidents-elect to pursue diversity by changing these forms to provide more information upfront.

I also plan to produce new implicit bias CLE courses—possibly including a free non-mandatory course—to be made available to all Texas lawyers.

Update on Presidential Task Forces

I focused my October column on the great work of the Presidential Task Force on Criminal Court Proceedings and its 14 recommendations to help ensure our courts balance public health and safety with the constitutional rights of the accused when resuming operations. The Office of Court Administration included almost all of the task force's suggestions in its recommendations to the Texas Supreme Court.

At its September 25 meeting, the State Bar board approved my requests to create a grievance review task force and a work group on courthouse access badges for Texas lawyers.

Chaired by former Judge Michael Fields, of Houston, the 21-member Task Force on Public Protection, Grievance Review, and the Client Security Fund will study the grievance process and the Office of Chief Disciplinary Counsel with the mindset of ensuring the grievance process remains fair to the lawyers of Texas while ensuring the public is protected from lawyers who may take advantage of them. A recommendation will then be presented to the board of directors, hopefully by the April 2021 board meeting. The board can then take action to implement procedural issues and to refer any rule changes to its Discipline and Client-Attorney Assistance Program Committee and the Committee on Disciplinary Rules and Referenda. Please send any concerns or recommended changes to larry.mcdougal@texasbar.com.

The 14-member Courthouse Access Badge Workgroup is chaired by State Bar District Director David Sergi, of San Marcos. The goal of this group is to work with state and county officials to seek a mutual agreement on the courthouse access issue.

At the January 22 board of directors meeting, I will ask the board to approve another work group. This group will focus on lawyer advertising and the changes necessary to make it more user friendly and to recommend any rule changes to the State Bar board.

I look forward to providing additional updates as the work of these groups continues.

LARRY MCDUGAL

President, 2020-2021
State Bar of Texas



Handling the HOLIDAYS

WE'VE COME TO THE END OF A MOST UNUSUAL AND CHALLENGING YEAR. Even as I extend a hearty “Happy Holidays” to all Texas lawyers, I know this season can be unhappy for many of us—even when we’re not facing a pandemic and a recession.

During my time as a police officer, I found the highest rates (and some of the most violent cases) of domestic violence occurred during the holiday season. My time as a criminal defense attorney has confirmed that for many, the holidays add additional stress to our already stressful lives. When we add in the stresses that we as lawyers are already facing in 2020, the Texas Lawyers’ Assistance Program provides a lifeline.

TLAP offers confidential help for Texas lawyers, judges, and law students with stress and anxiety, depression, substance use, and other mental health issues. You can contact TLAP 24/7 by text or phone at 800-343-TLAP (8527)—or find a wealth of online well-being resources at tlaphelps.org.

I want to highlight a few TLAP resources that are especially timely:

- For people feeling isolated, struggling with a mental health issue, or in need of recovery support, TLAP maintains a list of Well-Being Resources for Remote Living at texasbar.com/tlaphelps/remote-well-being.
- TLAP’s Remote Well-Being Wednesday program in November focused on “How Lawyers Can Handle the Holidays.” You can watch the program at the link immediately above.
- TLAP now has a video counterpart to its “Stories of Recovery” series featured on the Texas Bar Blog. These monthly videos include candid accounts of the path to recovery. Follow TLAP on Facebook (@TLAPhelps) for the latest event updates, including Zoom login information.

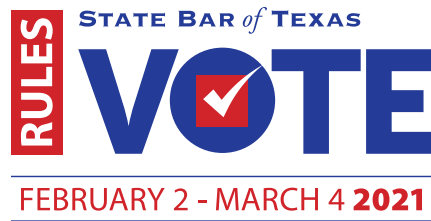
The Year Ahead

I have updated you in recent columns on the work of my various presidential task forces and work groups, and I expect the months ahead will include even more activity. The State Bar Board of Directors will meet virtually at 9 a.m. CST on January 22 for its quarterly meeting, and you are all invited to watch the meeting, sign up to speak, and submit written comments about the items before the board. We are here to serve you and want your input.

I look forward to reporting more progress in 2021 as we work to support Texas lawyers and the legal profession. Until then, take care of yourselves and enjoy the holidays.

LARRY MCDUGAL

President, 2020-2021
State Bar of Texas



Summary of Proposed Amendments

Ballot Item A: Scope and Objectives of Representation; Clients with Diminished Capacity

The proposal deletes Rule 1.02(g) of the Texas Disciplinary Rules of Professional Conduct and adds Proposed Rule 1.16 of the Texas Disciplinary Rules of Professional Conduct. Proposed Rule 1.16 is intended to provide improved guidance when a lawyer represents a client with diminished capacity. Among its provisions, Proposed Rule 1.16 permits a lawyer to take reasonably necessary protective action when the lawyer reasonably believes that a client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken, and cannot adequately act in the client's own interest. Proposed Rule 1.16 provides a non-exhaustive list of actions a lawyer may be authorized to take, including informal consultations that may be prohibited under the current Rules.

Ballot Item B: Confidentiality of Information – Exception to Permit Disclosure to Secure Legal Ethics Advice

Proposed Rule 1.05(c)(9) of the Texas Disciplinary Rules of Professional Conduct specifically clarifies that a lawyer is permitted to disclose confidential information to secure legal advice about the lawyer's compliance with the Texas Disciplinary Rules of Professional Conduct.

Ballot Item C: Confidentiality of Information – Exception to Permit Disclosure to Prevent Client Death by Suicide

Proposed Rule 1.05(c)(10) of the Texas Disciplinary Rules of Professional Conduct permits a lawyer to disclose confidential information when the lawyer has reason to believe it is necessary to do so in order to prevent a client from dying by suicide.

Ballot Item D: Conflict of Interest Exceptions for Nonprofit and Limited Pro Bono Legal Services

In order to facilitate the provision of pro bono legal services, Proposed Rule 6.05 of the Texas Disciplinary Rules of Professional Conduct creates narrow exceptions to certain conflict of interest rules when a lawyer provides limited advice and brief assistance on a pro bono basis. For purposes of Proposed Rule 6.05, "limited pro bono legal services" means legal services that are: (1) provided through a pro bono or assisted pro se program sponsored by a court, bar association, accredited law school, or nonprofit legal services program; (2) short-term services such as legal advice or other brief assistance with pro se documents or transactions, provided either in person or by phone, hotline, internet, or video conferencing; and (3) provided without any expectation of extended representation of the limited assistance client or of receiving any legal fees in that matter." This provision, in various forms, has previously been adopted by 48 other states and the District of Columbia.

Ballot Item E: Information About Legal Services (Lawyer Advertising and Solicitation)

This comprehensive proposal amends Part VII of the Texas Disciplinary Rules of Professional Conduct by simplifying and modernizing lawyer advertising and solicitation rules. The proposal reduces Part VII from seven rules to six rules (numbered 7.01 to 7.06). Among other changes, the proposal: 1) permits a lawyer to practice law under a trade name that is not false or misleading; 2) defines “advertisement” and “solicitation communication”; 3) simplifies disclaimer and filing requirements; 4) adds exemptions to certain solicitation restrictions for communications directed to lawyers, persons with whom the lawyer has a close personal or prior business or professional relationship, and persons known by the lawyer to be experienced users of the type of legal services involved for business matters; 5) expands exemptions to filing requirements; and 6) expressly addresses social media communications. The proposal maintains the prohibition on false or misleading communications about the qualifications or services of a lawyer or law firm.

Ballot Item F: Reporting Professional Misconduct and Reciprocal Discipline for Federal Court or Federal Agency Discipline

The proposal amends Rule 8.03 of the Texas Disciplinary Rules of Professional Conduct and Rules 1.06 and 9.01 of the Texas Rules of Disciplinary Procedure by extending existing self-reporting and reciprocal-discipline provisions to cover certain professional discipline by a federal court or federal agency. The proposal specifically limits “discipline” by a federal court or federal agency” to mean a public reprimand, suspension, or disbarment. The proposal clarifies that the term does not include a letter of “warning” or “admonishment” or a similar advisory by a federal court or federal agency. The provisions also do not apply to mere procedural disqualification in a particular case.

Ballot Item G: Assignment of Judges in Disciplinary Complaints and Related Provisions

These proposed rule changes simplify the assignment of judges, as well as address inconsistencies between current Rule 3.02 of the Texas Rules of Disciplinary Procedure and other statutes and rules already in place, whenever a respondent attorney in a disciplinary case chooses to have the matter heard by a district court. The proposal amends Rules 3.01, 3.02, and 3.03 of the Texas Rules of Disciplinary Procedure by: 1) transferring judicial assignment duties from the Supreme Court of Texas to the Presiding Judges of the Administrative Judicial Regions when a respondent in a disciplinary complaint elects to proceed in district court; 2) relaxing geographic restrictions on judicial assignments in disciplinary complaints; and 3) clarifying and updating various procedures involved in the assignment of judges in disciplinary complaints.

Ballot Item H: Voluntary Appointment of Custodian Attorney for Cessation of Practice

Proposed Rule 13.04 of the Texas Rules of Disciplinary Procedure authorizes a lawyer to voluntarily designate a custodian attorney to assist with the designating attorney’s cessation of practice and provides limited liability protection for the custodian attorney.

Note: The State Bar of Texas staff has provided this document as a general summary of the Proposed Amendments to the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure. It does not address every aspect of the Proposed Amendments, and reasonable minds may differ on the characterization of the Proposed Amendments. Voters are strongly encouraged to directly review the Proposed Amendments, which are available at texasbar.com/rulesvote.

FORM OF BALLOT

A. Scope and Objectives of Representation; Clients with Diminished Capacity

Do you favor the adoption of the proposed amendments to Rule 1.02 of the Texas Disciplinary Rules of Professional Conduct and the adoption of Proposed Rule 1.16 of the Texas Disciplinary Rules of Professional Conduct, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

B. Confidentiality of Information – Exception to Permit Disclosure to Secure Legal Ethics Advice

Do you favor the adoption of Proposed Rule 1.05(c)(9) of the Texas Disciplinary Rules of Professional Conduct, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

C. Confidentiality of Information – Exception to Permit Disclosure to Prevent Client Death by Suicide

Do you favor the adoption of Proposed Rule 1.05(c)(10) of the Texas Disciplinary Rules of Professional Conduct, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

D. Conflict of Interest Exceptions for Nonprofit and Limited Pro Bono Legal Services

Do you favor the adoption of Proposed Rule 6.05 of the Texas Disciplinary Rules of Professional Conduct, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

E. Information About Legal Services (Lawyer Advertising and Solicitation)

Do you favor the adoption of the proposed amendments to Part VII of the Texas Disciplinary Rules of Professional Conduct, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

F. Reporting Professional Misconduct and Reciprocal Discipline for Federal Court or Federal Agency Discipline

Do you favor the adoption of the proposed amendments to Rule 8.03 of the Texas Disciplinary Rules of Professional Conduct and Rules 1.06 and 9.01 of the Texas Rules of Disciplinary Procedure, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

G. Assignment of Judges in Disciplinary Complaints and Related Provisions

Do you favor the adoption of the proposed amendments to Rules 3.01–3.03 of the Texas Rules of Disciplinary Procedure, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

H. Voluntary Appointment of Custodian Attorney for Cessation of Practice

Do you favor the adoption of Proposed Rule 13.04 of the Texas Rules of Disciplinary Procedure, as published in the January 2021 issue of the *Texas Bar Journal*?

☐ YES ☐ NO

A copy of the proposed changes to the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure can be found at www.texasbar.com/rulesvote



Proposed Rules FAQ

This document answers questions about the proposed rule amendments. A summary of all of the rule proposals is available at texasbar.com/rulesvote. If you have a question that is not addressed here, please email it to rulesvote@texasbar.com.

Ballot Item E: Information About Legal Services (Lawyer Advertising and Solicitation)

Q: In general, how do the proposed advertising rules differ from the current advertising rules?

A: The proposal is intended to significantly simplify, modernize, and clarify the rules governing lawyer advertising, solicitation, and other communications about legal services. The proposed rules are intended to make compliance easier for lawyers, while continuing to focus on the prevention of false or misleading communications, as well as overreaching in solicitations. The proposal reduces Part VII of the Texas Disciplinary Rules of Professional Conduct from seven rules to six rules (numbered 7.01 through 7.06). Proposed Rule 7.01(a) maintains the central provision that “[a] lawyer shall not make or sponsor a false or misleading communication about the qualifications or services of a lawyer or law firm.”

Q: Does the proposal allow a lawyer to practice law under a trade name?

A: The proposal allows a lawyer to practice law under a trade name that is not false or misleading. This is a change from the current blanket prohibition on the use of trade names by lawyers in private practice. The proposed allowance for trade names that are not false or misleading is in line with the rules of the vast majority of other states. (Under the proposal, an advertisement of legal services still must include the name of a lawyer who is responsible for its content.)

Q: Does the proposal define “advertisement” and “solicitation communication”?

A: Yes, the proposal adds definitions for these terms. This is significant, as certain provisions of the proposal, such as the filing requirements, only apply if the communication constitutes an “advertisement” or a “solicitation communication.” (However, other provisions, such as the prohibition on false or misleading communications about a lawyer’s qualifications or services, apply to a communication regardless of whether it meets one of these definitions.)

Q: How does the proposal address a lawyer advertising that he or she is a certified specialist?

A: The proposal continues to allow a lawyer to advertise that he or she is a certified specialist in a field of law only if such certification is awarded by the Texas Board of Legal Specialization (TBLS) or an organization accredited by TBLS.

Q: Does the proposal treat communications directed to certain professionals differently than the current rules?

A: The proposal provides new exemptions to the ban on in-person or live/interactive solicitation for communications directed to another lawyer or to a person who is known by the lawyer to be an experienced user of the type of legal services involved for business matters. Solicitation communications directed to these categories of professionals are also exempt from filing requirements and from the requirement to include an “ADVERTISEMENT” designation.

Q: Does the proposal expand the categories of communications exempt from filing requirements?

A: Yes. Proposed Rule 7.05 provides a list of the categories of communications that are expressly exempt from the filing requirements, which is an expansion from the current exemptions. Of particular note, Proposed Rule 7.05(a) exempts “any communication of a bona fide nonprofit legal aid organization that is used to educate members of the public about the law or to promote the availability of free or reduced-fee legal services,” and Proposed Rule 7.05(g) exempts “a communication in social media or other media, which does not expressly offer legal services, and that: (1) is primarily informational, educational, political, or artistic in nature, or made for entertainment purposes; or (2) consists primarily of the type of information commonly found on the professional resumes of lawyers.”

Ballot Item F: Reporting Professional Misconduct and Reciprocal Discipline for Federal Court or Federal Agency Discipline

Q: How does the proposal amend current self-reporting and reciprocal-discipline provisions?

A: Currently, Rule 8.03(f) of the Texas Disciplinary Rules of Professional Conduct requires “[a] lawyer who has been disciplined by the attorney-regulatory agency of another jurisdiction” to provide the chief disciplinary counsel with a copy of the order or judgment within 30 days. If the conduct constitutes professional misconduct in Texas, Part IX of the Texas Rules of Disciplinary Procedure sets out the procedures under which reciprocal discipline could be imposed in Texas.

To better protect the public, the proposal extends the current self-reporting and reciprocal-discipline provisions to expressly cover professional discipline by a federal court or federal agency. The proposal specifically states that, for purposes of these provisions, “‘discipline’ by a federal court or federal agency means a public reprimand, suspension, or disbarment; the term does not include a letter of ‘warning’ or ‘admonishment’ or a similar advisory by a federal court or federal agency.”

Q: Do the provisions apply to the failure to pay dues or fees, or to procedural disqualification?

A: No, the provisions do not apply to purely administrative matters, such as failure to pay dues or fees required to practice before a court or agency, or to procedural disqualification in a particular case.

Q: Under the proposal, will a lawyer automatically be disciplined in Texas based upon the reporting of discipline by a federal court or federal agency?

A: No. As with current provisions applicable to discipline imposed by the attorney-regulatory agency of another state or the District of Columbia, the self-reporting of discipline by a federal court or federal agency would not automatically result in discipline in Texas under the proposal. If the conduct constitutes professional misconduct in Texas, Part IX of the Texas Rules of Disciplinary Procedure (TRDP) sets out the procedures under which reciprocal discipline could be imposed in Texas. Rule 9.01, TRDP, provides that “[a] certified copy of the order or judgment is prima facie evidence of the matters contained therein, and a final adjudication in another jurisdiction that an attorney licensed to practice law in Texas has committed Professional Misconduct is conclusive for the purposes of a Disciplinary Action under this Part, subject to the defenses set forth in Rule 9.04 below.” Under Part IX, discipline would only take place upon a judgment from the Board of Disciplinary Appeals.

OFFICIAL
OFFICIAL MINUTES
STATE BAR OF TEXAS
EXECUTIVE COMMITTEE MEETING
Thursday, March 26, 2020 – 10:00 am

*Via Telephonic Open Meeting Pursuant to Governor's March 16, 2020,
Temporary Suspension of Certain Open Meetings Provisions**

Join from PC, Mac, iOS or Android Device:

Meeting URL: <https://texasbar.zoom.us/j/759024475>

Meeting ID: 759 024 475

Telephone Audio or Audio-Only:

877-853-5247 (Toll Free)

Meeting ID: 759 024 475

(Bridge will open at 9:45 am – recording will begin at 10:00 am)

Link to March 26, 2020, Executive Committee Agenda and Materials:

www.texasbar.com/bodmaterials

The Executive Committee met on March 26, 2020, via Telephonic Open Meeting Pursuant to Governor's March 16, 2020, Temporary Suspension of Certain Open Meetings Provisions. President Randy Sorrels called the meeting to order at 10:00am, and Executive Director Trey Apffel called the roll.

Present: Chair Jerry Alexander, Rebekah Brooker, Alison Colvin, Leslie Dippel, TYLA President Victor Flores, Jarrod Foerster, Immediate Past Chair Laura Gibson*, Charlie Ginn, Wendy-Adele Humphrey, Shelby Jean*, Justice Debra Lehrmann*, Aldo Lopez, Immediate Past President Joe K. Longley, President-elect Larry McDougal, Emily Miller*, TYLA Immediate Past President Sally Pretorius, Dinesh Singhal, President Randy Sorrels, and James Wester.

**Nonvoting member*

I. Remarks from the General Public: There were no remarks from the general public.

II. REPORTS

A. Report from the Executive Director:

Executive Director Apffel reported on recent travels, meetings, and activities. He reported on the SBOT response, operations, and events during the COVID-19 situation. Mr. Apffel gave an update on the 1415 Lavaca property.
{EXHIBIT A}

B. Report from the President: President Randy Sorrels reported on recent travels and activities. He reported on member and public service and outreach during the COVID-19 response. He reported that he will be appointing David Calvillo of Houston as the new at-large director at the April board meeting. President Sorrels also reported on (1) the April Board resolution in support of judicial independence, (2) the approval of emergency delegation of authority to the Executive Director to take actions as needed in response to the COVID-19 disaster, and (3) an amicus brief filed by the Family Law Section. {EXHIBIT B}

President Sorrels made a motion that the Executive Committee approve the resolution found in the materials to grant authority to the Executive Director to take emergency actions as needed in response to the COVID-19 emergency. Director Charlie Ginn seconded. No discussion; motion carried.

President Sorrels made a motion that the Executive Committee ratify the Ad Hoc Submission Committee's decision to grant permission for the Family Law Section to file an amicus brief in *In Re C.J.C* (No. 19-0694) in the Texas Supreme Court. Coming from a committee, no second was needed. No discussion; motion carried.

¹ Enclosures are available at www.texasbar.com/bodmaterials

There were no questions or adjustments to the January 9, 2020, Executive Committee minutes. The minutes were approved by affirmation.

- C. Report from the Chair of the Board: Chair Jerry Alexander provided a communications update which highlighted the SBOT elections, the new custodian designation portal, mandatory bar litigation updates, and member benefits. Mr. Alexander also gave an update on the upcoming chair elections that will be held at the April 2020 board meeting and conducted online through the Board Effect portal.

Chair Jerry Alexander made a motion that the Executive Committee approve the use of online voting for the election of the Board chair during the April 17, 2020, board meeting. Seconded by Director Jarrod Foerster. No discussion; motion carried.

- D. Report from the President-elect: President-elect Larry McDougal reported that the Budget Committee met on December 11 to hear presentations from various State Bar divisions and departments, and that the committee approved the FY 2020-21 budget as presented. {EXHIBIT C}

On behalf of the Budget Committee, President-elect McDougal made a motion that the State Bar's proposed budget for fiscal year 2020-2021 be approved for presentation to the Board and for publication in the March 2020 issue of the Texas Bar Journal. Coming from a committee, no second was needed. Discussion ensued; motion carried.

- E. Report from the Immediate Past President: Immediate Past President Joe K. Longley had no report.

- F. Nominations & Elections:

Immediate Past President Joe K. Longley and Immediate Past Chair Laura Gibson reported that Pablo Almaguer of Edinburg and Sylvia Firth of El Paso were selected as candidates for State Bar President-elect. They also reported that there are 10 district director positions up for election this year. The election will begin on April 1 and end on April 30. {EXHIBIT D}

- G. Administration Committee: Director James Wester reported that the committee has been studying the possibility of IOLTA exemptions for advanced flat fees below a certain amount.

- H. Audit & Finance Committee: Director Jarrod Foerster gave an update on financial reports and a general review of financial statements and internal audit reports. {EXHIBIT E}

- I. Insurance/Member Benefits Subcommittee: Director Leslie Dippel provided updates on the Texas Bar Private Insurance Exchange and non-insurance member benefits.

- J. Section Representatives to the Board: Section Representative Emily Miller reported that the Sections Department cancelled 22 CLEs, meetings, and retreats and will be rescheduling Zoom meetings in April. Ms. Miller reported that each section has been asked to develop and document the policies and procedures they use to handle their finances, which will be due May 15. She reported that the Section Representatives to the Board Committee and the leadership of the Council of Chairs have been working on a list of suggested improvements to the Board Policy Manual for sections.

- K. Commission for Lawyer Discipline/Chief Disciplinary Counsel Update:

Chief Disciplinary Counsel Seana Willing reported on the CDC's response to COVID-19: all investigatory hearings and evidentiary hearings scheduled for March and April have been postponed until further notice. The CFLD met March 19 via Zoom and CDC staff are all working remotely. Ms. Willing gave an update on the grievance committee appointment process which began in February 2020.

¹ Enclosures are available at www.texasbar.com/bodmaterials

- L. Supreme Court Liaison Report:
Justice Lehrmann reported on the 7 issued emergency orders in response to the COVID-19 disaster and indicated that oral arguments have been postponed.
- M. Texas Young Lawyers Association: TYLA President Victor Flores reported on various TYLA initiatives including “Your Voice Now”, and the new Texas Attorney Wellness website which will launch May 1. He reported that TYLA cancelled their competition and that the April 2020 TYLA meeting will be virtual.
- N. Report from General Counsel: No report.
- O. Report from Legal Counsel: No report.

The Executive Committee recessed at 11:24 am and reconvened at 11:35 am.

- P. **Closed Session: At 11:35 am, the Executive Committee recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, including regarding all pending or any contemplated litigation (including regarding McDonald et al. v. Sorrels et al (No. 19-cv-00219 in the Western District of Texas), Rosalinda Solis v. Interra Sky 4801 Woodway, L.L.C (No. 2019-18261 in the District Court of Harris County), and LawHQ v. Willing (No. 20-cv-00085 in the Western District of Texas); and Section 551.074 to deliberate regarding personnel matter(s). With the exception of Board liaisons and Section representatives, all other individuals including non-essential staff and other guests excused themselves from the closed session.**

Open Session: At 11:42 am, the open session of the Executive Committee meeting reconvened. During the closed session, only matters relating to consultation with legal counsel concerning contemplated litigation were discussed. No action was taken in closed session.

- Q. Discussion ensued regarding the Bar Exam, law students, and universities.
- R. **There being no further business, the meeting was adjourned at 11:51 am.**

¹ Enclosures are available at www.texasbar.com/bodmaterials

