

# Agenda

## STATE BAR OF TEXAS BOARD OF DIRECTORS Friday, April 17, 2020 – 9:00am

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

Members of the Public:

View the meeting via PC, Mac, iOS or Android Device:

[www.youtube.com/statebaroftexas](http://www.youtube.com/statebaroftexas)

Public comments will be received starting at approximately 9:15 am. To participate by providing public comment during the meeting, please email [lowell.brown@texasbar.com](mailto:lowell.brown@texasbar.com) or call (800) 204-2222, Ext. 1713 (toll free) before 5:00pm Thursday, April 16, 2020. Please provide the agenda item number you wish to speak on.

Link to April 17, 2020, Board of Directors Agenda and Materials:

[www.texasbar.com/bodmaterials](http://www.texasbar.com/bodmaterials)

**Individuals with disabilities are entitled to have access to and participate in this meeting. An individual requiring an accommodation for access to the meeting must notify the State Bar by informing Chielsey Barber at 1/800-204-2222 or 512/427-1463 (x1416) or RELAY Texas (1-800-735-2989), in writing 24 hours prior to the scheduled meeting of the necessity of an accommodation. Upon receipt of this request, the State Bar will furnish appropriate auxiliary aids and services when necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of the board meeting as nondisabled individuals enjoy.**

- |   |                 |               |
|---|-----------------|---------------|
| 1. <b>Call to Order</b>   | Jerry Alexander |               |
| 2. <b>Roll Call</b>   | Trey Appfel     |               |
| 3. <b>Invocation</b>  | James Wester    |               |
| 4. <b>Pledge to the U.S. and Texas Flags</b>  | Jeff Allison    |               |
| 5. <b>Remarks from the General Public*</b><br><i>(Members of the public will have an opportunity to comment during the teleconference. The time allotted will be 3 minutes per individual.)</i> |                 |               |
| 6. <b>Report from the Chair of the Board</b>  | Jerry Alexander | (Tab 1)       |
| <b>A. Discussion:</b> General Report  |                 |               |
| <b>B. Action:</b> Consider, discuss and approve Consent Agenda Items  |                 | (Consent Tab) |
| <b>C. Action:</b> Consider approval of the use of online voting for election of 2020-21 Board Chair-Elect   |                 |               |
| <b>D. Chair of the Board Election</b>   |                 |               |
| <b>1) Action:</b> Election of Chair of the Board for  |                 |               |

### SBOT MISSION

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, enable its members to better serve their clients and the public, educate the public about the rule of law and promote diversity in the administration of justice and the practice of law.

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2020-21

Candidates:

**Charlie Ginn (McKinney)**

**Wendy-Adele Humphrey (Lubbock)**

**Carmen Roe (Houston)**

2) Comments by Chair-Elect

7. **Report from the Executive Director** Trey Apffel **(Tab 2)**  
**A. Discussion:** General Report, including overview of State Bar of Texas response, operations, and events during COVID-19 situation  
**B.** Update on 1415 Lavaca
8. **Report from the President** Randy Sorrels **(Tab 3)**  
**A. Discussion:** General report, including member and public service and outreach during COVID-19 response  
**B. Discussion:** Letter from State Commission on Judicial Conduct regarding Commissioner Steve Fischer of El Paso and Mr. Fischer’s response  
**C. Action:** Consider approval of appointment of at-large director to the Board of Directors, for a three-year term, effective Annual Meeting 2020, and expiring Annual Meeting 2023  
**David N. Calvillo (Houston)**  
**D. Action:** Consider approval of Board resolution in support of judicial independence  
**E. Action:** Consider approval of emergency delegation of authority to the Executive Director to take actions as needed in response to COVID-19  
**F. Action:** Consider ratification of the Ad Hoc Submission Committee’s decision to grant permission to file amicus brief in *In Re C.J.C* (No. 19-0694) in the Texas Supreme Court
9. **Report from the President-Elect** Larry McDougal **(Tab 4)**  
**A. Discussion:**

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- 1) General report, including update on how the State Bar can help lawyers serve their clients during the coronavirus crisis
- 2) **Action:** Consider approval of creation of workgroup on the Texas Opportunity and Justice Incubator

**B. Budget Committee**

**Action:** Consider approval of SBOT 2020-21 proposed budget for presentation to the Supreme Court of Texas

10. **Report from the Immediate Past President** Joe K. Longley  
**Discussion:** General Report
11. **Executive Committee**
  - A. **Nominations and Elections Subcommittee** Joe K. Longley/Laura Gibson (Tab 5)  
**Discussion:** Update on voting method for President-elect and District Director Elections, and suspension of in-person campaigning by President-elect and District Director candidates in response to COVID-19 crisis
  - B. **Policy Manual Subcommittee** Neil Kelly  
**Discussion:** General Report
12. **Discipline & Client Attorney Assistance** (Tab 6)
  - A. **DCAAP Subcommittee** Steve Naylor
    - 1) **Discussion:** General Report
    - 2) **Action:** Consider approval of proposed amendments to Rules 3.01, 3.02, and 3.03 of the Texas Rules of Disciplinary Procedure (TRDP)
    - 3) **Action:** Consider and discuss approval of timeline of submission of proposed disciplinary rules to Supreme Court of Texas
    - 4) **Action:** Consider approval of resolution asking the Committee on Disciplinary Rules and Referenda to initiate the rule proposal process related to the appointment of custodian attorneys for the temporary cessation of practice due to a disabling circumstance

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- B. Client Security Fund Subcommittee** Bob McKnight  
**Discussion:** General Report
13. **Audit and Finance Committee** Jarrod Foerster (Tab 7)  
**A. Discussion:** Financial Reports and General Review of Financial Statements
- B. Action:** Consider approval of:  
1) Audit firm Weaver as SBOT Financial Auditors  
2) Two-year contract with PFM Asset Management LLC as SBOT Investment Manager
- C. Action:** Consider acceptance of:  
1) Quarterly Investment Report for the period ending February 29, 2020  
2) Internal Audit Reports Darlene Brown
14. **Commission for Lawyer Discipline/Chief Disciplinary Counsel Update** Noelle Reed/ Seana Willing (Tab 8)  
**Discussion:** General Report
15. **Public Services and Education Committee Affordable Legal Services Subcommittee** Shelby Jean  
**Discussion:** General Report
16. **Administration Committee** James Wester  
**A. Administration Committee**  
**Discussion:** Update on study of potential IOLTA deposit exemption for advanced flat fees below a certain amount
- B. Performance Measures and Strategic Planning Subcommittee** David Kent  
**Discussion:** General Report
17. **Member Services and Education Committee** Amie Peace  
**A. Appeals-Grant Review Subcommittee**  
**Discussion:** General Report
- B. Professional Development Subcommittee** Nicole Voyles  
**Discussion:** General Report
- C. New Directors Orientation Subcommittee** Alison Colvin  
**Discussion:** General Report

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- D. Insurance/Member Benefits Subcommittee** Leslie Dippel  
**Discussion:** General Report
18. **Section Representatives to the Board Committee** Emily Miller  
**Discussion:** Sections Update
19. **Report from the Texas Bar Foundation** Florentino A. Ramirez  
**Discussion:** General Report
20. **Texas Young Lawyer Association** Victor Flores  
**Discussion:** General Report
21. **Discussion:** Liaison Reports
- A. Supreme Court Liaison Justice Debra Lehrmann
  - B. Court of Criminal Appeals Liaison Judge Bert Richardson
  - C. Federal Judicial Liaison Judge Xavier Rodriguez
  - D. Judicial Section Liaison Judge Les Hatch
  - E. Out-of-State Lawyer Liaison Denise Reed Hoggard
22. **Discussion:** Report from the General Counsel Ross Fischer
23. **Discussion:** Report from the Legal Counsel John Sirman
- A. Closed Session** as authorized by 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); letter from State Commission on Judicial Conduct regarding Commissioner Steve Fischer of El Paso; and State Bar insurance coverage; and Section 551.074 to deliberate regarding personnel matter(s)
- B. End of Closed Session/Return to Open Session**
- C. Action**, if needed, on items discussed in closed session
24. **SBOT Mission Statement** Jerry Alexander

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**25. Adjournment**

If, during the course of the meeting covered by this notice, the Board should determine that a closed session of the Board should be held or is required in relation to any item included in this notice, then such closed session as authorized by Texas Open Meetings Act (Tex. Govt. Code Ch. 551) will be held by the Board at that date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the Board may conveniently meet in such closed session concerning any and all subjects and for any and all purposes permitted by Sections 551.071 – 551.084, inclusive, of the Texas Open Meetings Act.

Items on the agenda will not necessarily be discussed or considered in the order they are printed on the agenda above. Comments from the public may be taken throughout the Board meeting.

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