



## *Plans for a* **NEW BAR YEAR**

**A NEW BAR YEAR IS UNDERWAY**, and the State Bar of Texas is redoubling its efforts to help lawyers and all Texans as we work together to solve challenges and ease burdens brought by the coronavirus pandemic and the economic problems and civil unrest on display across our state.

Our leadership team is firmly committed to addressing the problems that lawyers and the public are facing in a world where so much has changed so rapidly. During my year as president, the State Bar will tackle a variety of issues, including the continued effects of the COVID-19 pandemic and the crisis of lawyer suicides. Among other priorities, we are also taking steps to further improve member benefits, including tools for lawyer succession planning, even as we work toward calling the first election on disciplinary rule changes since 2011.

### **Continued COVID-19 Response**

The State Bar continues to work with the Texas Supreme Court, Office of Court Administration, legal aid groups, local and specialty bars, and other stakeholders to respond to the COVID-19 crisis. This is an ongoing effort, so there will be more to report in the coming weeks and months.

### **Attorney Well-Being/Suicide Prevention**

Lawyers are consistently at or near the top of the list of all professionals in suicide rates. Working through the Texas Lawyers' Assistance Program, we will seek to reduce the number of attorney suicides and increase the well-being and fitness of Texas lawyers and law students by educating them about the symptoms of depression and suicide and how to prevent or address these conditions.

### **Enhanced Member Benefits**

The State Bar's 2020-2021 budget focuses on investing in information technology infrastructure and improving services to members. The budget added resources to programs that provide concrete services to Texas lawyers—including member benefits, law practice management, and TLAP—without a dues increase and while maintaining the long-term goal of keeping three months of operating expenditures in reserves. Of course, the State Bar leadership continues to study the financial impact of the COVID-19 pandemic on bar finances and will make adjustments as needed.

### **Succession Planning Initiative**

For client protection and emergency management, the State Bar urges members to evaluate contingency plans and designate in advance a custodian attorney. As a member benefit, the bar recently launched a portal at [texasbar.com/succession](https://texasbar.com/succession) that makes it easy for Texas lawyers to designate custodians. We will continue to promote the portal and other succession planning resources in the upcoming year.

### **2021 Rules Vote**

In 2017, the Legislature created the Committee on Disciplinary Rules and Referenda to oversee the initial process for proposing a disciplinary rule change while maximizing public feedback. The committee's recommendations go to the State Bar Board of Directors as part of a process that ultimately includes a rules vote by the membership and adoption or rejection by the Texas Supreme Court. The State Bar board continues to review possible changes to the disciplinary rules in advance of a potential vote by the membership in 2021. You will be hearing much more about this effort soon.

### **Additional Priorities**

My priorities also include continuing to advocate for grievance reform as well as a statewide courthouse access badge for Texas lawyers. I have also called for moving the State Bar Ethics Helpline out of the Office of Chief Disciplinary Counsel so lawyers can be assured the helpline is independent from the grievance system. I'm pleased to say that Executive Director Trey Appfel and Chief Disciplinary Counsel Seana Willing have indicated they are working to make that change to the helpline.

I look forward to working with you over the next year. I welcome your ideas and comments on how the State Bar can best fulfill its mission.

### **LARRY MCDUGAL**

President, 2020-2021  
State Bar of Texas

**The Presidential Task Force on Criminal Court Proceedings**

	<b>Last Name</b>	<b>First Name</b>	<b>Title</b>	<b>Profession</b>	<b>Firm</b>	<b>Organization</b>	<b>City</b>
1	<b>Charles</b>	<b>Hon. Alsono</b>	co-chair	124th District Court of Gregg County	Presiding Judge - 10th Administrative Judicial Region		Longview
2	<b>Culpepper</b>	<b>Kenda</b>	co-chair	Rockwall County Criminal District Attorney		TDCAA President	Rockwall
3	<b>Scheiner</b>	<b>Grant</b>	co-chair	Trial Attorney	Scheiner Law Group, P.C.		Houston
4	<b>Alaniz</b>	<b>Chilo</b>	member	Webb County Distric Attorney		TDCAA Board Member	Laredo
5	<b>Botsford</b>	<b>David</b>	member	Trial & Appellate Attorney	Botsford & Roark	Former TCDLA President	Austin
6	<b>Brumley</b>	<b>Scott</b>	member	Potter County Attorney		Former TCDLA President	Amarillo
7	<b>Brown</b>	<b>Hon. Susan</b>	member	Presiding Judge	11th Administrative Judicial Region		Houston
8	<b>Creuzot</b>	<b>John</b>	member	Dallas County Criminal District Attorney			Dallas
9	<b>Daniel</b>	<b>Mark G.</b>	member	Trial Attorney	Daniel, Moore, Evans, Biggs & Decker <i>(Not a Partnership)</i>	Former TCDLA President	Ft. Worth
10	<b>Earle</b>	<b>Hon. Elizabeth A.</b>	member	County Court #7 of Travis County			Austin
11	<b>Heatley</b>	<b>Staley</b>	member	46th Judicial District Attorney		Former TDCAA President	Vernon
12	<b>Hurley</b>	<b>Daniel W.</b>	member	Trial Attorney	Hurley & Guinn	Former TCDLA President	Lubbock
13	<b>McDougal Sr.</b>	<b>Larry P.</b>	member	Trial Attorney	Law Office of Larry P. McDougal	2020-21 SBOT President	Richmond
14	<b>Miller</b>	<b>Hon. Bill</b>	member	5th District Court of Bowie County			New Boston
15	<b>Richardson</b>	<b>Hon. Bert</b>	member	Place 3, Texas Court of Criminal Appeals			Austin
16	<b>Salas-Mendoza</b>	<b>Hon. Maria</b>	member	120th District Court of El Paso County			El Paso
17	<b>Young</b>	<b>Michael</b>	member	Chief Public Defender	Bexar County Public Defenders Office		San Antonio
18	<b>Apffel</b>	<b>Trey</b>	liaison	Executive Director	State Bar of Texas		Austin
19	<b>Slayton</b>	<b>David</b>	liaison	Administrative Director	Office of Court Administration		Austin

**State Bar of Texas**  
**The Presidential Task Force on Criminal Court Proceedings**  
**Fiscal Impact Analysis**  
**June 24, 2020**

**BACKGROUND**

The President of the Texas District and County Attorney's Association (TDCAA), Kenda Culpepper, and President-elect of the Texas Criminal Defense Lawyers Association (TCDLA), Grant Scheiner, along with the 2020-21 SBOT President, Larry McDougal, were having discussions on the future of criminal proceedings in Texas due to COVID-19. Because of the constitutional issues that exist in criminal proceedings that do not exist in civil proceedings, the decision was made to create the Presidential Task Force on Criminal Court Proceedings.

**MISSION**

To provide guidance to the Texas Supreme Court, Texas Court of Criminal Appeals, and Office of Court Administration on how criminal proceedings should occur in Texas during the COVID-19 situation. A deadline has been set for July 31, 2020, to provide the Office of Court Administration at least a preliminary report prior to the expiration of the current Supreme Court emergency orders.

**MEMBERS**

The make-up of the Presidential Task Force on Criminal Court Proceedings will be:

- Five (5) persons chosen by TDCAA
- Five (5) persons chosen by TCDLA
- Five (5) judges chosen by Judge Alfonso Charles (10<sup>th</sup> Administrative Judicial Region) including the judges of:
  - Judge of the 120<sup>th</sup> District Court
  - 5<sup>th</sup> District Court of El Paso County
  - 11<sup>th</sup> Administrative Judicial Region
  - County Court #7 of Travis County
- 2020-21 SBOT President Larry McDougal (Richmond)
- Judge Bert Richardson, Texas Court of Criminal Appeals
- The task force will be co-chaired by:
  - Judge Alonso Charles (Longview)
  - Kenda Culpepper (Rockwall)
  - Grant Scheiner (Houston)
- David Slayton of the Office of Court Administration is invited to participate as liaison.
- Trey Appfel of the State Bar of Texas is invited to participate as liaison.
- See attached roster.

**CONSIDERATIONS**

1. The task force is planned to consist of 17 members.
2. The members will be from across the state.
3. All meetings of the task force will be conducted by Zoom or similar video conferencing.
4. There will be no in-person meetings eliminating the cost for travel, meals, and lodging.
5. The task force will start work immediately after board approval and will continue until its work is no longer needed or January 1, 2021, whichever comes first.

**FISCAL IMPACT FY2020-21**

Upon consultation with Tracy Jarratt, Finance Division Director, the fiscal impact of this task force is estimated to be \$1,500.00. The creation of this task force is not anticipated to have a significant fiscal implications to the State Bar's FY 2020-21 general fund budget.