

**Agenda**  
**STATE BAR OF TEXAS**  
**BOARD OF DIRECTORS**  
**Friday, September 25, 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 after agenda item 4.**

To sign up to speak during the meeting, please email [amy.starnes@texasbar.com](mailto:amy.starnes@texasbar.com) or call (800) 204-2222, Ext. 1706 (toll free) before 5:00pm on Thursday, September 24, 2020. Please provide the agenda item number you wish to speak on.

Written comments must be received by 5:00 pm on Tuesday, September 22, 2020, for timely distribution to the Board of Directors before the special called meeting. Please submit written comments by email to [boardofdirectors@texasbar.com](mailto:boardofdirectors@texasbar.com).

Link to the September 25, 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.**

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|---|------------------------|--------------------|
| 1. <b>Call to Order</b>   | Charlie Ginn           |                    |
| 2. <b>Roll Call</b>   | Trey Apffel            |                    |
| 3. <b>Invocation</b>  | Rob Crain              |                    |
| 4. <b>Pledge to the U.S. and Texas Flags</b>  | Shari Goldsberry       |                    |
| 5. <b>Remarks from the General Public*</b><br><i>(Members of the public will have an opportunity to comment during the teleconference. Time allocations will be made based on the number of people who sign up to speak, and speakers will be notified beforehand.)</i> |                        |                    |
| 6. <b>Presentation of Resolutions</b>   | Larry McDougal         |                    |
| 7. <b>Swearing-in of New Board Member</b><br>Dr. Maria Hernandez Ferrier (San Antonio)  | Justice Debra Lehrmann |                    |
| 8. <b>Report from the Chair of the Board</b><br><b>A. Action:</b> Consider, discuss, and approve Consent Agenda   | Charlie Ginn           | <b>(Materials)</b> |

**SBOT MISSION**

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**B. Discussion:** General Report

**C. Solicitation of candidates to serve as Chair of the 2021-22 Board of Directors**

9. **Report from the Executive Director** Trey Apffel **(Materials)**  
**A. Discussion:** General Report Chris Ritter  
**B. TLAP Update**
10. **Discussion: Texas Access to Justice Foundation** Justice Deborah G. Hankinson
11. **Report from the President** Larry McDougal **(Materials)**  
**A. Discussion:** General Report  
**B.** Update on Presidential Diversity Plan  
**C.** Update on Presidential Task Force on Criminal Court Proceedings Kenda Culpepper  
**D.** Update on potential purchase of real property at 1415 Lavaca St., to be discussed in closed session, followed by possible action  
**E. Action:** Consider and discuss approval of the creation of a task force on Public Protection, Grievance Review, and the Client Security Fund including approval of its roster  
**F. Action:** Consider and discuss approval of the creation of a Courthouse Access Badge Workgroup, including approval of its roster  
**G. Action:** Consider and discuss approval of ratification of the Ad Hoc Submission Committee’s decision to grant approval of the Business Law Section’s request to file an amicus in *HouseCanary, Inc. f/a/k/ Canary Analytics, Inc. v. Title Source, Inc., The Reporters Committee for Freedom of the Press and the Houston Forward Times* in the Supreme Court of Texas (19-0673)  
**H. Action:** Election of appointee to the State Commission on Judicial Conduct, for an unexpired term effective January 1, 2021, through November 19, 2025:  
**Ernest “Ernie” Aliseda (Edinburg)**  
**David J. Klein (Corpus Christi)**  
**Clifton L. Roberson (Tyler)**
12. **Report from the President-Elect** Sylvia Borunda Firth  
**A. Discussion:** General Report  
**B.** FY 2021-22 Budget Committee Update
13. **Report from the Immediate Past President** Randy Sorrels **(Materials)**  
**A. Discussion:** General Report  
**B. Action:** Consider and discuss approval of request to the MCLE Committee to study and report to the Board regarding the possibility of categorizing CLE courses on the subject of mental health and substance abuse as eligible for “Legal Ethics / Professional Responsibility” credit

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14. **Commission for Lawyer Discipline/Chief Disciplinary Counsel** Gena Bunn/  
Seana Willing **(Materials)**  
**Discussion:** General Report
15. **Executive Committee** **(Materials)**  
**A. Nominations & Elections Subcommittee**  
1) **Discussion:** General Report  
2) **Action:** Consider and discuss approval of the candidates for 2021-22 SBOT President-elect  
**Sara Dysart (San Antonio)**  
**Laura Gibson (Houston)**  
3) **Action:** Consider and discuss approval of acceptable formats for electronic signatures on petitions for president-elect and district director
- B. Policy Manual Subcommittee** Adam Schramek **(Materials)**  
1) **Discussion:** General Report  
2) **Action: Consider and discuss approval of:**  
a. Revision of Policy Manual section 3.02.07(D) to allow reimbursement of travel expenses of spouse of Executive Director  
b. Revision of Policy Manual section 3.07.01(A) to require that amendments to expense reimbursement policies promulgated by the Executive Director be sent to the Audit and Finance Committee within 30 days of promulgation
16. **Discipline & Client Attorney Assistance**  
**A. DCAAP** Steve Naylor **(Materials)**  
1) **Discussion:** General Report  
2) **Action: Consider and discuss approval of:**  
a. Proposed Rule 1.05 (c)(10), Texas Disciplinary Rules of Professional Conduct, relating to confidentiality of information and clients contemplating suicide  
b. Proposed amendments to Rule 8.03, Texas Disciplinary Rules of Professional Conduct, and Rules 1.06 and 9.01, Texas Rules of Disciplinary Procedure, relating to reporting professional misconduct and reciprocal discipline for federal court or federal agency discipline  
c. Resolution to petition the Texas Supreme Court to order a referendum of the members of the bar, on all proposed amendments to the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure approved by the State Bar Board of Directors, as provided by Tex. Govt. Code 81.0878, including a recommended ballot form, a referendum timeline, and method of voting

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- B. Client Security Fund**  
**Discussion:** General Report  
Rob Crain
17. **Audit & Finance Committee**  
**A. Discussion:**  
1) Financial Reports and General Review of Financial Statements  
2) Financial and Internal Audits  
Alistair Dawson **(Materials)**
- B. Investment Overview**  
Barry Baughier/  
Alistair Dawson
- C. Action:** Consider and discuss acceptance of the State Bar’s quarterly investment report for August 2020
- D. Action:** Consider and discuss approval of:  
1) Texas State University PFIA online training as Public Funds Investment Act trainers  
2) The adoption of the PFM Broker/Dealer List for investments  
3) The adoption of the State Bar of Texas investment policy  
4) Revision to the Board Policy Manual Section 3.06.08 Purchase Order System
18. **Public Services & Education Committee**  
**Legislative Policy Subcommittee**  
1) **Discussion:** General Report  
2) **Action:** Consider and discuss approval of SBOT Legislative Program and recommendations of the Legislative Policy Subcommittee  
Emily Miller **(Materials)**
19. **Administration Committee**  
**Performance Measures & Strategic Planning Subcommittee**  
**Discussion:** General Report  
Shari Goldsberry
20. **Ad Hoc Committee to Select At-Large Members**  
**Discussion:** General Report  
Wendy-Adele Humphrey **(Materials)**
21. **Member Services & Education Committee**  
**A. Appeals-Grant Review Subcommittee**  
**Discussion:** Report on Grant Authorization Request Received:  
*“Bar Exam Preparation Scholarship”*  
by the Diversity in the Profession Committee  
Andy Almanzán **(Materials)**
- B. Professional Development Subcommittee**  
**Discussion:** General Report  
Rebekah Brooker
- C. Insurance/Member Benefits Subcommittee**  
**Discussion:** General Report  
Carmen Roe

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| <p><b>D. Technology Oversight Subcommittee</b><br/><b>Discussion:</b> General Report</p>   | <p>Christina Davis</p>   |
| <p>22. <b>Section Representatives to the Board Committee</b><br/><b>Discussion:</b> General Report</p>   | <p>Emily Miller</p>  |
| <p>23. <b>Texas Young Lawyers Association</b><br/><b>Discussion:</b> General Report</p>  | <p>Britney Harrison</p>  |
| <p>24. <b>Discussion: Liaison Reports</b><br/><b>A. Supreme Court Liaison</b><br/><b>B. Court of Criminal Appeals Liaison</b><br/><b>C. Judicial Section Liaison</b><br/><b>D. Federal Judicial Liaison</b><br/><b>E. Out of State Lawyer Liaison</b></p>  | <p>Justice Debra Lehrmann<br/>Judge Kevin Yeary<br/>Judge Les Hatch<br/>Judge David Morales<br/>Denise Hoggard</p> |
| <p>25. <b>Discussion: Report from General Counsel</b></p>  | <p>Ross Fischer</p>  |
| <p>26. <b>Discussion: Report from Legal Counsel</b><br/><b>A. Closed Session</b> as authorized by Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, to include discussion regarding all pending or any contemplated litigation (including regarding <i>McDonald et al. v. Sorrels et al</i> (No. 20-50448 in the Fifth Circuit Court of Appeals), <i>Rosalinda Solis v. Interra Sky 4801 Woodway, L.L.C</i> (No. 2019-18261 in the District Court of Harris County), <i>Samantha Carter v. Vuk Vujasinovic, et al</i> (No, 3:20-cv-01199-L-BT in the Northern District of Texas), and <i>LawHQ v. Willing</i> (No. 20-cv-00085 in the Western District of Texas); Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin; and Section 551.074 to deliberate regarding personnel matter(s)</p> <p><b>B. End of Closed Session/Return to Open Session</b></p> <p><b>C. Action</b>, if needed, on items discussed in closed session</p> | <p>John Sirman</p>   |
| <p>27. <b>For Information Only:</b> State Bar Committees Projects and Objectives Report</p>  | <p><b>(Materials)</b></p>  |
| <p>28. <b>SBOT Mission Statement</b></p>   | <p>Charlie Ginn</p>  |
| <p>29. <b>Adjourn</b></p>  |  |

If, during the course of the meeting covered by this notice, the Board determines 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.

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***Agenda*** – Board of Directors Meeting

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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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