

Subject: FW: Submission of motion for placement on the September 25th, 2020, State Bar of Texas quarterly board meeting agenda.
Date: Saturday, September 19, 2020 at 4:18:56 PM Central Daylight Time
From: Ray Cantu
To: Chielsey Barber
Attachments: image003.jpg, image004.png

Can we put Andrew's email in board effect, I believe it would go in Randy's report on the agenda.

From: Randy Sorrels <[REDACTED]>
Sent: Saturday, September 19, 2020 2:41 PM
To: Ray Cantu <Ray.Cantu@TEXASBAR.COM>; Andrew Tolchin [REDACTED]
Cc: Trey Apffel <Trey.Apffel@TEXASBAR.COM>; John Sirman <John.Sirman@TEXASBAR.COM>; Larry McDougal [REDACTED]; Charlie Ginn [REDACTED]; Sylvia B. Firth <Sylvia.Firth@TEXASBAR.COM>
Subject: Re: Submission of motion for placement on the September 25th, 2020, State Bar of Texas quarterly board meeting agenda.

*** State Bar of Texas External Message * - Use Caution Before Responding or Opening Links/Attachments**

I saw the discussion of this issue is under the past president's section of the agenda. I think it would save time to put this information in the proper tab (and add to the board materials) to save time and answer questions in advance. Can that be done?

Randy Sorrels
Partner

President, State Bar of Texas, 2019-2020

ABRAHAM, WATKINS, NICHOLS, SORRELS, AGOSTO, AZIZ & STOGNER
[REDACTED] | Houston, TX 77002
[REDACTED] | 713-225-0827 (Fax)

[REDACTED] | [My Profile](#) | www.abrahamwatkins.com

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From: Andrew Tolchin [REDACTED]
Date: September 10, 2020 at 11:38:21 PM CDT
To: Trey Apffel <trey.apffel@texasbar.com>, [REDACTED]
Cc: Randy Sorrels [REDACTED], Larry P McDougal dr [REDACTED], "Sylvia B. Firth" <Sylvia.Firth@TEXASBAR.COM>, John Sirman <John.Sirman@TEXASBAR.COM>
Subject: Submission of motion for placement on the September 25th, 2020, State Bar of Texas quarterly board meeting agenda.

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Mr. Chair, Mr. Executive Director, Mr. General Counsel, and Officers:

I submit this motion for placement on the September 25th, 2020, State Bar of Texas quarterly board meeting agenda.

The Motion:

Mindful that Article XII, State Bar Rules, Section 6. Minimum Educational Requirements states "(A) Every member must complete 15 hours of continuing legal education during each compliance year.... (B) At least three of the 15 hours must be devoted to legal ethics/professional responsibility subjects. One of the three legal ethics/professional responsibility hours may be completed through self-study."; and

Mindful that at least six different mandatory / integrated state bars— Florida, Oregon, Missouri, Nevada, South Carolina, and West Virginia— count continuing legal education hours on the topics of substance abuse and mental health under the category of “legal ethics”, “professional responsibility”, or a category closely similar in nomenclature to “legal ethics/professional responsibility”; and

Mindful that mental health issues as well as alcohol and drug addiction issues are disproportionately prevalent in the legal profession and are a root cause of a substantial percentage, if not the leading cause, of ethical breaches that harm the public we serve; and

Mindful that many states with voluntary bars (such as Illinois, North Carolina, and Ohio) also count continuing legal education hours on the topics of substance abuse and mental health under the category of “legal ethics”, “professional responsibility”, or a category closely similar in nomenclature to “legal ethics/professional responsibility”; and

Mindful of State Bar Rules Article IX, Section 3,

I therefore move that the Board request the MCLE Committee to analyze, investigate, and propose a report to the board by January 2021 on categorizing continuing legal education credit hours on the subjects of mental health and substance abuse as “Legal Ethics / Professional Responsibility” for purposes of Article XII, State Bar Rules.

Respectfully submitted,

Andrew M. Tolchin
Director, SBOT District 4, Place 6 (2020-2023)

Andrew M. Tolchin
Attorney and Mediator
Tolchin Law Firm, PLLC
713 Mediator, LLC

[REDACTED]

Houston, TX 77027

[REDACTED]

d: [REDACTED]

c: [REDACTED]

Mediation via Zoom during this time of social distancing. When safer, options will open for a return to mediations in person either at [REDACTED], Houston, TX 77027, or at your mutually agreed office. Thank you.

[REDACTED]

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