

State Bar of Texas
Standing Committee Projects and Objectives
2020-2021

Administration of Rules of Evidence

- The Administration of Rules of Evidence Committee evaluates the rules of evidence to ensure they are internally consistent, match the actual practice of law, and track the Federal Rules of Evidence.
- Consider making recommendations to the Supreme Court Advisory Committee regarding Rules 503(a)(5), 902(13), 902(14), and 803(16)
- Collaborate on accountant privilege, allied litigant/work product in parallel or related cases, and the Dickenson case
- Review the Texas Rules of Evidence to ensure applicability to technology and social media

Advertising Review

- The ARC assists the staff in reviewing policy compliance questions through submissions and authors any interpretive comments that assists Texas attorneys in compliance with the rules. The ARC also makes ethics presentations at local bar meetings. The ARC is available for any questions or analysis on any potential rule revisions.

Continuing Legal Education

- To improve diversity in the participation of course directors, speakers, and authors, as well as the content provided.
- To establish a series of 30+ minute "YouTube" type videos that can be updated as needed targeting specific procedural and substantive tasks that Texas attorneys perform on a regular basis.

Court Rules

- TRAP 49 Revisions on motions for rehearing
- TRCP 162 Limitations on Right to Nonsuit
- TRCP 199.4 Enforcement of requirements to objecting to time/place of deposition
- Further consideration of Motions for Continuance based on parental leave or other circumstances
- Assign to subcommittees other issues identified by members of the Committee and the Bar throughout the year, considering proposed revisions would further the Committee's purpose.
- Utilize SBOT Resources (including Texas Bar Connect and GoToMeeting) to continue to increase efficiency of the Committee's work.

Disability Issues

Process/Communication Subcommittee

- Identify and implement communication strategies for key stakeholders and identify or help identify stakeholder groups (e.g., rural counties may have a different understanding of ADA, so the messaging to them is different than it would be to more urban groups, even if the message is the same)

Legal Education Subcommittee

- Visit law schools to educate on students' disability issues
- Educate students with disabilities (diagnosed or not) on their rights, navigating law school
- Survey resources available for educating attorneys; partner with TYLA/law student division

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- Spread the word about DIC project
- Interest law students in disability law
- Address accessibility issues in law schools
- Produce CLEs on ABLE and Affordable Care Act
- Educate attorneys on law practice resources
- Decrease stigma associated with students with disabilities/service dogs

Public Education Subcommittee

- Bridge the gap between the information and those who need it; focus for the next 1-3 years

Mental Health Subcommittee

- This subcommittee will create CLE's on mental health matters. It may also collaborate with the Judicial Commission on Mental Health on these CLE's.

Diversity in the Profession

- Conduct Texas Minority Attorney Program ("TMAP") event in Houston
- Conduct Texas Minority Law Student Program ("TMLS") events in Lubbock and Dallas
- Submit articles to the Texas Bar Journal
- Apply to the Texas Bar Foundation Grant & Bar Prep Certificates
- Increase participation in K-12 Outreach and partnership with local bar associations
- Create outreach partnership programs with colleges to focus on legal career opportunities

Jury Service

- In addition to the recurring goals of increasing awareness and appreciation of the importance of jury service, to ensure that jurors are safely integrated back into the legal system.

Law Focused Education

- Amendment Video Project- Committee will discuss creating a video series on the amendments to the U.S. Constitution.
- Children's Book- Committee will review a new children's book on civic participation.
- Texas Citizen Bee Competition- Committee will promote the Texas Citizen Bee Competition in their communities. The Committee may serve as support personnel for the 2021 regional competitions starting in February 2021.
- What do Lawyers Do?-Committee will help create a new children's book with this project.
- CLE Project- Committee will explore creating a CLE to promote LRE to the local bars to create more opportunities to educate the local bars on how to use LRE in schools.
- Serve as a welcome speaker at LRE workshops and institutes.

Law Practice Management

- To provide relevant, helpful information on law practice management through maintenance and updating of the law practice management website found at <http://texaslawpracticemanagement.com> [Expected completion in the 2020-21 Bar year.
- To plan and facilitate the Law Practice Management track at Annual Meeting with assistance from TexasBarCLE (Canceled for 2019-20 due to COVID will conduct in 2020-21)

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- To provide mentorship and training to lawyers.

Laws Relating to Immigration and Nationality

- Advocate: Monitor legislative changes (and proposed legislation) impacting immigration in Texas and communicate with and educate programs and agencies. Promote fair immigration laws and advocate for alternatives to detention especially for children and families. Increase pro bono documentation. Expand use of state bar committee page to offer information on immigration from LRIN.
- Educate: Create new 10 Minute Mentor videos on immigration to share with attorneys- at least one in coordination with another committee such as the UPL committee.
- Connect: Coordinate immigration information/advocacy activities with SBOT Immigration Section with at least 1 joint meeting. Assure geographic diversity in meetings and coordinate at least 1 event at each meeting with the community, government and/or educational organization. Participate in programs to protect consumers from the unauthorized practice of law and other schemes targeting immigrants. Provide information/resources and connect non-immigration practitioners with avenues and opportunities for them to assist pro bono and encourage DOJ accreditation for non-profits to assist in low income services.

Lawyers' Assistance Program

- Improving outreach to minority lawyers and law students.
- Implement suicide prevention statewide campaign with video and materials.
- Continued expansion of remote well-being support.
- Continue and expand Local Resource Sheets Project.
- Solo Practitioner Focus for Outreach.
- Offer office hour support to law students

Legal Services to the Poor in Civil Matters

- Collaborate with legal aid organizations across the State to monitor issues and trends impacting the delivery of equal access to justice.
- Educate bar leaders across the State on access to justice (ATJ), by offering recommendations for the ATJ Track of the annual Bar Leaders Conference.
- Recognize the dedicated members of the legal profession who are committed to providing pro bono services in Texas through the Pro Bono Excellence Awards.
- Participate in the American Bar Association's 2020 National Celebration of Pro Bono, October 25 through 31st, by encouraging local bars to plan events to provide pro bono legal services.
- Develop models for local bars regarding disaster and crisis relief.

Legal Services to the Poor in Criminal Matters

- We will continue working on a symposium for the 20th Anniversary of the Fair Defense Act.
- We will continue to work on a "Best Practices" Pamphlet for prosecutors dealing with indigent defendants.
- We will be looking at the current issue of courts charging indigent defendants for their court appointed attorney fees.

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- We will also consider training opportunities regarding ability to pay inquiries and court cost issues.

Local Bar Services

- To maintain efficient communications between committee/bar staff/local bars via frequent communications from the Chair, SBOT staff, webpage and Texas Bar Connect.
- To continue hosting a successful and informative Bar Leaders Conference for all local bar associations. However, due to the COVID-19 pandemic, this objective is adjusted this year to include a speaker series (via Zoom) to continue our committee's outreach to all bar associations.
- To schedule meetings (via Zoom or telephonic) of the LBS Committee to review feedback and identify potential methods to continue improving the Bar Leaders Conference and speaker series.
- To continue encouraging participation in Law Day celebrations in local bars.
- To encourage increased participation in Stars of Texas Bar Awards.
- To continue the efficient use of Local Bar Services Budget.

Minimum Continuing Legal Education

- In addition to reviewing accreditation applications, we, per the board of directors charge, are exploring incorporating "implicit bias" training into MCLE requirements. Our recommendations are due January, 2021

Pattern Jury Charges – Business, Consumer, Insurance, and Employment

- The PJC Business Committee will be publishing its 2020 edition at the end of this calendar year. The committee will be finalizing the remaining updates to be included in this edition and will work with the Oversight committee as needed for final approval of drafts. Once this edition is complete, the committee will begin planning and developing materials for its next edition. As this will be a non-publication year, the committee will use this time to study new topics that should be added and complete a more thorough review of each section for needed updates.

Pattern Jury Charges – Criminal

- Following the fall 2020 release of Texas Criminal Pattern Jury Charges—Crimes Against Persons & Property, this year the committee will focus our efforts on facilitating the online transition of the Texas Criminal Pattern Jury Charges volumes, as well as finalizing new materials and updating existing charges as needed to reflect current statutory and case law. This process will include presenting materials to the Oversight Committee for review and approval.

Pattern Jury Charges – Family and Probate

- The Committee's focus is on preliminary work for publication of the next edition, in early 2022. The current emphasis is on the imminent publication of a special supplement to address a recent change to Tex. R. Civ. P. 277, case law affecting modifications of child custody orders, and an update to attorney's fee award charges in will contests. Longer-term projects include revising jury instructions for reimbursement determinations in divorces; adding jury charges for contempt findings in divorce order enforcement actions; and consideration of possible additional coverage for invasion-of-privacy and breach-of-duty actions in divorces. The Committee continues to look for more opportunities for improvements to the volume.

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Pattern Jury Charges – General Negligence, Intentional Personal Torts & Workers Compensation

- Complete remaining issues for publication in 2020 Green Book Volume.
- Begin work on issues identified for purposes of 2022 Green Book Volume publication.

Pattern Jury Charges – Malpractice, Premises, & Products

- The Committee is approving final changes for publication of the 2020 edition later this year and planning for longer-term projects. Revised instructions will be published for preexisting conditions, to include a new eggshell plaintiff instruction. The Committee will continue working on topics such as a possible update to jury questions in the damages PJs, a joint project with the PJC – General Negligence, Intentional Personal Torts & Workers’ Compensation Committee; expanded commentary for inferential rebuttals; possible revisions to jury charges in premises liability cases involving workers’ compensation subscribers; and more.

Pattern Jury Charges – Oil and Gas

- The committee is spending the initial part of this Bar year finalizing materials for inclusion in the 2020 PJC Volume, which will be published at the end of this year.
- The committee is working closely with the PJC Business volume to review and update contracts materials included in both volumes.
- Additionally, the committee will also work with the PJC Oversight committee for review and approval of new materials to be published. Following the publication of the 2020 volume, the committee will begin to research and develop materials for the 2022 edition.
- The committee intends to work with the PJC General Negligence committee to conduct a thorough review and to update the materials on nuisance, which will be included in the 2022 PJC Oil and Gas edition.
- Similarly, the committee will work closely with the Business volume to consider additional updates to the current contracts materials appearing in both books.
- Additionally, the Committee will review and update charges as needed to reflect new statutory and case law. The Committee will work closely with PJC Oversight and the other PJC committees as needed to ensure accuracy and consistency.

Pattern Jury Charges – Oversight

- The Oversight committee will spend the initial part of this Bar year reviewing and approving any outstanding materials that will be published in 2020. More specifically, the Oversight Committee will work with the PJC Family Law volume to produce a supplement that reflects updates resulting from the recent amendments to TRCP 277. Outstanding revisions from the PJC Business volume relating to Control Person Liability and “justifiable reliance” will also be finalized. The PJC Oil and Gas Volume is in discussions with the General Negligence volume on potential revisions for Nuisance. The PJC General Negligence and Malpractice volumes are similarly discussing potential revisions to ‘aggravation of existing injury’ and the “eggshell” plaintiff. The Oversight Committee has scheduled meetings through December to complete work on these materials and to review and finalize any other materials as needed. Once work for the 2020 editions has been completed, the Oversight committee will begin working with the volumes to consider projects for the 2022 editions. The Oversight committee will work with the

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volumes to develop new materials and to facilitate work on materials impacting more than one volume to ensure accuracy and consistency.

Professionalism

- Continue the annual statewide Day of Civility program
- Promote State Bar of Texas Mentoring Network
- Distribute Texas Lawyers' Creed posters and pamphlets upon request by lawyers and judges
- Formalize partnership of law schools with professionalism committees
- Present at the Bar Leaders Conference
- Finalize judges' CLE project

Public Affairs

- Plan and organize the Texas Gavel Awards, which recognize journalistic excellence that fosters public understanding of the legal system
- Plan, promote, and host the Open Government Seminar at Annual Meeting, which is free and open to the public and members of the media.

Real Estate Forms

- The Real Estate Forms Committee's task this year is to prepare materials for a supplement to the Texas Real Estate Forms Manual for publication in the spring of 2021. The focus of the 2020-21 committee will be to review each chapter for accuracy, revise forms, update Additional Resources sections with new CLE materials, and develop new forms.

Texas Bar Journal Board of Editors

- Continue to provide members with valuable information about the legal profession and trends, including rules changes—expected completion date is May 31, 2021;
- Continue to inform members of the State Bar and public that the Texas Bar Journal is available in print, on the State Bar's website, and in a digital format—expected completion date is May 31, 2021; and
- Conduct a readership survey—expected completion date is May 31, 2021.

Women in the Profession

- Continuing the efforts from last year with the theme of "Where We Came From, Where We Are Now, and Where We Are Going."
- Prior to the first meeting, we plan to e-mail members a request for members to draft a summary of last year's efforts, etc. and to brainstorm possible goals and activities that fit under this year's theme; the e-mail will include suggestions that the committee can then build upon. At the first meeting, we will discuss those submissions and finalize the planned projects and objectives.
- Where We Came From: For example, continue to publicize the Rough Road To Justice: The Journey of Women Lawyers in Texas and coordinate events with the author, Betty Trapp Chapman. This was a successful aspect of the committee's work last few years; we want to continue efforts this year.
- Where We Are Now: What are a few of the issues facing women lawyers today that we can address in a tangible way to decrease some of these obstacles? For example, do all Texas courts,

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Federal courts and Arbitration associations recognize maternity and paternity leave for counsel of record? A few courts have issued standing Orders; what can we do to expand the scope of this Order so it can apply across the board. We began efforts on this initiative last year and would like to continue those efforts.

- **Where We Are Going:** Based on the issues identified, what can our committee do? In addition to addressing the items mentioned above, what can we do to continue to promote our fellow women lawyers? Building and making new relationships is key. Last year we began efforts and certain cities engaged in planning dinners, happy hour or events with fellow members of the committee and invite contacts (clients, co-workers, etc.) to further foster relationships.