

**MEETING OF THE
COMMITTEE ON DISCIPLINARY RULES AND REFERENDA**

January 10, 2024
By Teleconference

MINUTES

CALL TO ORDER OF THE MEETING AND ROLL CALL

Chair Kinard called the meeting to order at 10:01 a.m. CST. Mr. Squires called the roll, and a quorum was present.

Members Present: Chair M. Lewis Kinard; Amy Bresnen; Scott Brumley; Robert Denby; Judge Phyllis Gonzalez; Jennifer Hasley; April Lucas; and Karen Nicholson.

Members Absent: Timothy D. Belton.

State Bar of Texas Staff Present: Ray Cantu, Deputy Executive Director; Seana Willing, Chief Disciplinary Counsel; Cory Squires, Staff Liaison; and Andrea Low, Disciplinary Rules and Referenda Attorney.

COMMENTS FROM THE CHAIR

Chair Kinard welcomed everyone to the meeting and thanked all who called in for their participation. He explained the Committee's purpose and mandate, directed the public to the Committee's website to find information about the Committee, and encouraged the public to participate in the process.

On December 18, 2023, the Supreme Court of Texas issued its Final Approval of Amendments to Texas Rules of Disciplinary Procedure 1.06, 2.10, 2.17, 7.08, and 7.11. These are based on the amendments that the Committee proposed in August 2023 in response to a request from the court.

Chair Kinard introduced and welcomed Jennifer Hasley and April Lucas, who began their terms of service on the Committee on January 1, 2024.

Chair Kinard recognized Claude Ducloux and Professor Vincent Johnson for their meritorious service to the Committee from January 1, 2018, to December 31, 2023.

APPROVAL OF THE MINUTES OF THE LAST MEETING

Mr. Denby moved to approve the Minutes of the December 6, 2023, meeting. Ms. Bresnen seconded the motion. The motion carried unanimously.

2023 ANNUAL REPORT

The Committee discussed the draft annual report for 2023. Mr. Brumley moved to approve the draft, as amended to incorporate a change to Ms. Bresnen's biographical information. Ms. Bresnen seconded the motion. The motion carried unanimously.

REPORT ON TEXAS ACCESS TO JUSTICE COMMISSION

Ms. Nicholson and Judge Gonzalez described the proposals and recommendations of the Texas Access to Justice Commission (TAJC) to the Supreme Court of Texas on December 15, 2023. They explained that the Committee may wait until the court directs action on the issues addressed in the proposals and recommendations.

Ms. Bresnen stated that the TAJC proposals do not conflict with the current disciplinary rules and recommended that the Committee wait for further direction from the court. The Committee agreed to monitor any developments and to be briefed about TAJC actions from Ms. Nicholson and Judge Gonzalez at future meetings.

The Committee took no action on this matter.

RULES VOTE 2024 (REFERENDUM ORDERED BY SUPREME COURT OF TEXAS)

State Bar staff are tracking requests for presentations on the rule proposals.

AGENDA ITEMS FOR FUTURE MEETINGS

Committee members agreed to consider proposed Rules 1.04 and 1.14 regarding Fees and Safekeeping of Property at the next meeting.

Committee members agreed not to place proposed Rule 1.11 (pending renumbering) regarding Screening of Conflicts for a Public Defender's Office on the agenda for the next meeting.

Committee members agreed to cancel the March 6, 2024, meeting due to their commitments to give presentations on the rule proposals for the Rules Vote 2024. The Committee will hold only monthly meetings and will not hold any quarterly meetings in 2024. The Committee's website will reflect those changes.

The Chair reminded those watching or listening that they may send recommendations for rule initiation to the Committee. The email address is cdrr@texasbar.com and the website is www.texasbar.com/cdrr.

ADJOURNMENT

Mr. Brumley moved to adjourn the meeting. Ms. Nicholson seconded the motion. The motion carried unanimously. The meeting adjourned at 10:36 a.m. CST.