

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

April 3, 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. CDT. Mr. Squires called the roll, and a quorum was present.

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

Members Absent: April Lucas.

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.

Chair Kinard stated that he would report on the Committee's activities at the State Bar board meeting on April 19, 2024.

APPROVAL OF THE MINUTES OF THE LAST MEETING

Judge Gonzalez moved to approve the Minutes of the February 7, 2024, meeting. Ms. Bresnen seconded the motion. The motion carried unanimously.

**RULES 1.04. FEES AND 1.14. SAFEKEEPING PROPERTY
TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT**

Ms. Bresnen, on behalf of the subcommittee, recommended that the Committee not vote to publish now. She stated that the subcommittee may consider these rules before the May meeting and possibly recommend that the Committee vote to initiate the rule proposal process at the May meeting. The Chair appointed Ms. Halsey to join the subcommittee.

The Committee took no action on this matter.

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

Chair Kinard asked Ray Cantu, Deputy Executive Director of the State Bar of Texas, to report on the referendum. Mr. Cantu updated the Committee on the informational events, form of the ballots, voting process, and number of ballots cast to date.

Chair Kinard asked the Committee to consider recommendations for interpretative comments and renumbering that the Committee may wish to submit to the supreme court after voting ends.

AGENDA ITEMS FOR FUTURE MEETINGS

Ms. Bresnen asked for discussion and possible action on American Bar Association Model Rule of Professional Conduct (ABA MRPC) 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) and Texas Disciplinary Rule of Professional Conduct 9.01 (Severability) at the next meeting.

Mr. Denby asked for discussion and possible action on ABA MRPC 1.16 (Declining or Terminating Representation) at the next meeting.

ADJOURNMENT

Mr. Brumley moved to adjourn the meeting. Judge Gonzalez seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:39 a.m. CDT.