

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

June 5, 2024
By Teleconference

MINUTES

CALL TO ORDER OF THE MEETING AND ROLL CALL

Chair Kinard called the meeting to order at 10:03 a.m. CDT. Ms. Low called the roll, and a quorum was present.

Members Present: Chair M. Lewis Kinard; Timothy D. Belton; Amy Bresnen; Scott Brumley (arrived at 10:05 a.m.); Robert Denby; Judge Phyllis Gonzalez (arrived at 10:04 a.m.); April Lucas; and Karen Nicholson.

Members Absent: Jennifer Hasley

State Bar of Texas Staff Present: Ray Cantu, Deputy Executive Director; Seana Willing, Chief Disciplinary Counsel; Joshua Weaver, Director of Texas Opportunity & Justice Incubator; 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.

The Chair reported on the status of the rule proposals that the Bar membership voted to adopt. On Monday, May 6, 2024, Chair Kinard, Mr. Denby, and Ms. Bresnen appeared before the supreme court at a hearing on the rule proposals. On June 4, 2024, at the court's request, the Committee submitted recommendations for the interpretive comments to the rule proposals.

APPROVAL OF THE MINUTES OF THE LAST MEETING

Ms. Bresnen moved to approve the Minutes of the May 1, 2024, meeting. Mr. Denby seconded the motion. The motion carried unanimously.

**INTERIM REPORT TO THE STATE BAR OF TEXAS BOARD OF DIRECTORS
FROM THE TASKFORCE FOR RESPONSIBLE ARTIFICIAL INTELLIGENCE IN
THE LAW (TRAIL)**

Joshua Weaver, Director of Texas Opportunity & Justice Incubator and State Bar of Texas Staff Liaison for the Taskforce for Responsible Artificial Intelligence in the Law (TRAIL), provided an

overview of the interim report and the continuing work of the taskforce. He stated that the TRAIL would submit recommendations to the State Bar of Texas Board of Directors at the June 19, 2024, meeting.

The Committee took no action on this matter.

**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 discontinue consideration of these rules at this time.

The Committee took no action on these matters.

**AMERICAN BAR ASSOCIATION MODEL RULE OF PROFESSIONAL CONDUCT
(ABA MRPC) 1.16. DECLINING OR TERMINATING REPRESENTATION**

Mr. Denby recommended that the Committee monitor developments in other states and not seek to adopt a rule at this time.

The Committee took no action on this matter.

**ABA MRPC 5.5. UNAUTHORIZED PRACTICE OF LAW;
MULTIJURISDICTIONAL PRACTICE OF LAW**

The Committee agreed that it may consider this matter after the Supreme Court of Texas issues its order to approve or reject the rule proposals approved by the Bar membership.

The Committee took no action on this matter.

**RULE 9.01. SEVERABILITY
TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT**

Ms. Bresnen requested that the Committee discontinue consideration of this matter unless new information indicates that the rule is inadequate.

The Committee took no action on this matter.

CHANGES TO THE TEXAS RULES OF DISCIPLINARY PROCEDURE (TRDP)

Ms. Lucas reported that the subcommittee had met with Seana Willing, Chief Disciplinary Counsel, and would meet with her in the future to identify and discuss possible amendments to the procedural rules.

The Committee took no action on this matter.

AGENDA ITEMS FOR FUTURE MEETINGS

Committee members asked to include the following items on the agenda for the next meeting: 1) the TRAIL report; and 2) report and/or recommendations from the subcommittee on the TRDP.

The Committee agreed to cancel its meeting that was originally scheduled for July 10, 2024.

ADJOURNMENT

Mr. Brumley moved to adjourn the meeting. Mr. Denby seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:59 a.m. CDT.