



**ENVIRONMENTAL & NATURAL RESOURCES LAW SECTION
EXECUTIVE COMMITTEE MEETING**

**February 22, 2018
Hyatt Hill Country Resort**

ENRLS MINUTES

I. Welcome and Introductions

Present: Rebecca Skiba, David Klein, Susan Maxwell, Lisa Dyar, Steve McMillen, Nathan Block, Paulina Williams, Walt Shelton, Connie Westfall, Mike Dillinger

Via Phone: Marshall Coover, Kellie Billings-Ray, Caroline Sweeney, Mary Mendoza, Pete Wahl

Absent: Jon Bull, Erin Chancellor, Angela Moorman, Arnoldo Medina, Lyn Clancy, Carrie Thomas

The meeting was held at the Hyatt Hill Country Resort in conjunction with the 2018 Changing Face of Water Law Conference. Rebecca Skiba called the meeting to order at 5:48 PM.

II. Treasurer's Report

David Klein presented the Treasurer's Report starting with highlighted changes from June through December 2017. Notably, the Superconference was modestly over-budget. The exceedances were explained as primarily from materials and planning (approx. \$6,000) and the facility (approx. \$3,000). Mary Mendoza noted that, even at this date, there are some registrations on purchase order that may not have been paid. It was discussed that Mary keeps the facility cost in check through active management and that meals are always the single largest expense. David noted that despite being over budget on some costs, the 2017 Superconference was still net revenue positive approximately \$20,000. After discussion, it was decided that Lisa Dyar, Mary Mendoza and David Klein would take the issue offline and look a bit deeper into the differences between budget and actuals for the Superconference to inform future planning and budgeting efforts.

It was then noted that the budget for the Tex. Env. L. Jnl is much higher than last year. However, last year was a bit of an anomaly due to changes in the number of editions published annually.

Having provided the Committee with the Section's balance sheet, and account statements updated through January, David noted that as of the meeting date, the ENRLS account balance is approximately \$312,000.

A discussion of possibly raising the Section's dues was continued from the prior meeting. At the last meeting, David Klein had agreed to gather additional information from the SBOT. He reported that the ENRLS' dues were last increased in 2010 and that currently only two SBOT sections have higher annual dues. An increase of \$5 would tie the ENRLS with the most expensive section. The group discussed the potential membership perception of an increase and the relatively modest amount of revenue that could be generated. An increase would create some budget cushion and additional flexibility for pro bono and other projects as well as increases in stipends for summer interns. Steve McMillen noted that the SBOT suggests sections make it a goal to maintain a balance of 2x annual operating expenses. We are not quite to that goal but are consistently revenue positive each year from Superconference and have an increasing surplus. Because there are a number of potential / competing priorities, a holistic review of the budget and activities was suggested. Rebecca Skiba took the action to set up a call to advance such a review. The question of any dues increase was then tabled.

III. Minutes/Secretary's Report

Nathan Block presented the minutes of the Executive Committee meeting held on November 7, 2017 in Lubbock. Corrections to the draft had been provided by e-mail prior to the meeting. No additional amendments or corrections were offered and the minutes were unanimously approved, as amended.

IV. Committee Reports and Discussion Items

A. Publications Committee

1. Texas Environmental Law Journal

Lyn Clancy reported that Volume 48 is coming together. The Journal is seeking submissions for future editions and the Committee was encouraged to solicit content.

2. Water Law Treatise

Susan Maxwell reported that the 5th Edition is printed and shipments to subscribers are expected to start in February. On-line ordering will also be available shortly.

B. Law School Committee

1. Internship and Scholarship Programs.

Walt Shelton reported on the Buck Wynne scholarship program. Kerry Halliburton is coordinating the scholarship program and has reached out to the schools to identify the high

grade students in environmental survey courses. The Committee then discussed possible adjustments to the scholarship program. Walt suggested raising the award to \$2000 / school. Other potential modifications were discussed including allowing awards for other environmental courses and / or otherwise targeting students most likely to go into the field of environmental law. The Law School Committee will develop a recommendation on potential modifications. That recommendation will be rolled into a larger discussion of the Section's priorities and budget.

Walt reported that we have increased the internship stipend to \$4200 / student and have seven internship positions for summer 2018.

2. Law School Programs

Walt reported that programs had recently been conducted at UNT and St. Mary's. Both programs had good student turnout. A program for Baylor is scheduled for late March. SMU and UT programs are being scheduled for March. A&M is targeting a program for the fall and the next program at Texas Tech will likely also be in the fall. The Houston program planned for the fall of 2017 was cancelled as a result of Hurricane Harvey. Efforts to reschedule a combined Houston law schools program for later in 2018 are underway.

3. Student Attendance at Superconference

Student attendance at Superconference was discussed. Some internship participants have attended the conference or come to the Friday luncheon for recognition. However, overall participation rates are modest. A proposal to allow some students to attend the conference, in exchange for time volunteering at the conference (e.g. registration table) was discussed. To be workable, we would need a solid commitment to volunteer and an accurate headcount. The Law School Committee will further consider the idea in coordination with the Superconference Planning Committee.

C. Education Committee

1. Texas Environmental Superconference

Lisa Dyar reported that Superconference planning is in full swing and the Planning Committee is actively working on the program. The Planning Committee is happy to take speaker and topic suggestions and they can be submitted through Lisa or Jeff Civins. Mary Mendoza reported on efforts to evaluate other potential venues besides the Four Seasons. The search showed that the Four Seasons remains reasonably competitive. Other venues evaluated were not competitive or did not have our preferred dates available. A deal has been negotiated with the Four Seasons for 2018 and 2019.

The ABA's continued sponsorship of Superconference is an open question. The ABA's diversity policy requires certain diversity metrics applicable not just to the overall conference but for each individual panel / session. Last year we found that we could not satisfy the ABA's prescriptive policy. This year, the Planning Committee is working to ensure diversity in a number of dimensions. In addition to gender and ethnic diversity, the committee looks to ensure

representation across the practice - law firms / private practice, industry, academia, government and non-profit / NGOs. If the proposed program meets the ABA's requirements, we will welcome their sponsorship. However, the Planning Committee prefers not to allow meeting the ABA's strict prescriptions to drive program planning.

Financing and sponsorship for Superconference were discussed. Adding sponsorship slots / opportunities was discussed as a potential mechanism to increase revenue. Based on last year's performance, Steve McMillen expressed skepticism that there would be sufficient demand and interest to justify adding additional sponsorships from consultants. It was also noted that the physical space available for sponsors' booths is limited in the Four Seasons' conference area. Steve further suggested the possibility of creating a tiered system of law firm sponsorships. The need for incentives to go with each tier and what those might be were briefly discussed. The group decided to table the idea for now but, to bring it up again for further evaluation ahead of planning for the 2019 Superconference.

2. Changing Face of Water Law

Attendance and participation at the Changing Face of Water Law conference was reported to be very good. The Committee discussed the ENRLS need to appoint its co-chair for the conference for the next two-year term. Susan Maxwell suggested Emily Rogers, currently a member of the conference planning committee. David Klein noted that he sought input from the current chair, Deborah Trejo and that she recommended Greg Ellis. After discussion, the Committee decided to defer to Lisa Dyar who, in coordination with Deborah Trejo, will make the selection. Lisa intends to interview potential candidates before finalizing the selection.

3. State Bar Annual Meeting

The Committee discussed participation in the State Bar Annual Meeting (June 21 -22, 2018 in Houston) and whether or not ENRLS would provide a substantive CLE presentation at the annual meeting. Rebecca Skiba will solicit volunteers.

D. Website / Technology

Completing an update of the ENRLS website was discussed. Steve suggested engaging Workhorse (IT consultant) on an hourly basis to get us through Superconference. Once the on-line registration for Superconference is completed, we can move to have Workhorse completely revamp the ENRLS website. Connie has a version of an SBOT approved contract that we can use for this purpose. Steve, in coordination with Connie took the action to set up a discussion with Workhorse.

E. Pro Bono Committee

1. TEAP

Via e-mail, Marshall Coover reported that the TEAP program continues to get a handful of inquiries and is functioning well from an administrative perspective.

V. Other Business

No other business was raised. Upon motion from Steve McMillen and second by Mike Dillinger, the meeting was adjourned at 7:11 PM.

VI. Next Meeting

The next Executive Committee meeting will be held June 20, 2018, in Houston, Texas, in conjunction with the Houston Bar Association Environmental Section monthly luncheon.

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