



ENRLS COUNCIL MEETING

February 20, 2019
Hyatt Hill Country Resort, San Antonio

ENRLS MINUTES

I. Welcome and Introductions

Present: Steve McMillen, Susan Maxwell, Buck Benson, Greg Ellis, Lisa Dyar, Aaron Vargas, Mike Dillinger, Walt Shelton, Nathan Block

Via Phone: Mary Mendoza, Kellie Billings-Ray, Paulina Williams, Connie Westfall, Caroline Sweeney, Erin Chancellor, David Klein, Pete Wahl, Kristen Fancher,

Absent: Rebecca Skiba, Lyn Clancy

The meeting was held at the Hyatt Hill Country Resort in conjunction with the 2018 Changing Face of Water Law Conference. Steve McMillen opened the meeting at 6:03 PM.

I. Secretary's Report

Draft minutes for the meeting held on were circulated prior to the meeting. The minutes were prepared by Susan Maxwell, substituting for Nathan Block as Secretary for the council meeting held November 1 at the Texas A&M Law School in Fort Worth. There were no correction or edits offered. Steve McMillan moved to approve the minutes. Buck Benson seconded and the motion was approved.

II. Treasurer's Report

Steve McMillan provide the Treasurer's Report in Pete Wahl's absence. It was noted that the SBOT is in the process of implementing new software. This resulted in a service interruption and precluded a complete update of the ENRLS financials before the meeting.

We expect to run a small deficit with this year's expenses being greater than the projected income. This will likely require that we make a small draw on the Section's surplus / balance of the approximately \$357,000.

Section membership is fairly constant from year to year and this helps in making a reliable estimate dues income. Buck Benson raised the issue of the Section's ability to maintain its

membership. He noted that approximately 20% of the Water Law conference attendees were 70 or older. It was suggested we may need to explore avenues to attract and engage younger lawyers. Steve deferred the topic to be explored further with the Education and Law School Committees portions of the meeting agenda.

III. SBOT Annual Meeting Planning

For the Section's participation in the State Bar's Annual Meeting, Emily Rogers and Greg Ellis will speak on water law issues. The SBOT Annual Meeting will be held in Austin, June 13-14, 2019.

Steve raised the possibility of ENRLS holding a reception during the SBOT Annual Meeting. In discussion, it was noted that the reception might serve as a recruiting tool for the Section, could be communicated to the law schools and students encouraged to attend and could be used to cross-sell the Superconference. A consensus emerged that ENRLS should host a reception at the 2019 SBOT Annual Meeting as a test of the value of having a larger ENRLS presence there. Steve took the action to explore the logistics with the SBOT.

IV. ENRLS Bylaws

Steve McMillan reported that the SBOT Board of Directors has approved ENRLS by-laws amendments. This was the final step in the process. The amended by-laws are now effective.

V. Nominating Committee

Steve McMillan reminded the Council of the composition and function of the Nominating Committee. To complete a slate of nominations for 2019, the Nominating Committee needs to identify a candidate to be Secretary along with three new members of the Executive Committee to replace those with expiring terms – Buck Benson (filling a vacancy / unexpired term), Caroline Sweeney and Paulina Williams. Any Council member who identifies a potential candidate is encouraged to send suggestions to any member of the Nominating Committee.

VI. ENRLS Playbooks

Good progress has been made on the Playbooks. To keep up momentum, a goal was set to complete the remaining efforts before the Council's next quarterly meeting. The various committee co-chairs are asked to submit final drafts by the end of March with goal of using the month of April for any final revisions. To facilitate this, Steve is going to send / resend each co-chair the most recent draft of the relevant Playbook. Susan Maxwell volunteered to review the drafts and help identify any gaps.

VII. Committee Updates and Recommendations

a. Publications & Communications Committee

The Section's first electronic newsletter went out during the first quarter. It has not yet drawn a big response. However, there was consensus that such a regular communication has a lot of potential value and that we should continue to seek ways to optimize it. There was discussion of striking a balance between adding features to the newsletter and focusing on the highest quality content. If we stay with a focused and relatively narrow publication, Steve suggested we might rename a "bulletin".

The Council then discussed Lyn Clancy transitioning out of the role of Editor-in-Chief (EIC) for the Environmental Law Journal. Ashleigh Acevado, currently an associated with Pillsbury in Houston, will be taking over the EIC role. Lyn will work with Ashleigh over the next several months to ensure a smooth transition. Many, including Walt Shelton, have been impressed with Ashleigh, are encouraged by her accepting the role and, anticipate she will have very successful tenure as EIC. The need for some formal action by the Council to install the new EIC. That requirement has been removed from the by-laws by the recent amendments and no further action is deemed necessary. The Council also discussed adopting a 3-year, renewable term for the Journal's EIC. There is a sense that we need to set an expectation of infrequent turnover and seek to ensure sufficient notice before a transition. No action was taken on this item. Finally, the Council discussed formally recognizing Lyn's service as she transitions out of the role.

b. Law School Committee

Walt Shelton began with a report on the internship program. The subcommittee has selected students for the eight positions. As of the meeting, four had accepted. This year, we had 18 applicants, 5 less than last year. Half of the applicants were from the A&M law school and no applications came from UT or St. Mary's. This pattern is a bit different than in prior years.

Law school outreach programs are on-going:

- A&M: An event was held at A&M in conjunction with the prior Council meeting and was well received.
- Houston Area: The Houston area law schools had a career seminar in October with 12 students attending. That event was hosted by BP and included tours of BP's Wind Energy and Energy Trading operations.
- Baylor: Baylor has held it second "A Day in the Life" lunch. These have been well attended (20 to 30 students).
- St. Mary's: A program is scheduled for Feb. 21. Prof. Hardberger is supporting the program and a panel of six will meet with students.
- UNT: Planning is ongoing. An event is possible in March. Kristen Fancher is coordinating with Howard Gilberg.
- UT: Currently there are no events planned.
- Tech: Currently there are no events planned. We do anticipate a seminar in the fall.
- SMU: Currently there are no events planned.

After discussing the law school outreach programs, Walt raised the possibility of having the summer interns attend the Superconference. That issue was used to transition to the Education Committee on the meeting agenda.

c. Education Committee

After transitioning from the Law School to the Education Committee, Lisa Dyar picked up the intern discussion by noting that the question of interns attending Superconference has been considered before. In the past, we have evaluated having them spend some time working / supporting the conference in lieu of registration. Because Superconference is always full and we still incur costs for no-shows, the issue of commitment and reliability of intern attendance is important to nail down. Walt suggested that, as an alternative to a more structure program, that the interns who come for recognition at the ENRLS lunch on Friday be allowed to attend the Friday sessions. This Council reached a consensus on trying this is the approach for 2019.

Co-chair Lisa Dyar reported that the Superconference planning cycle has begun and that the planning committee is accepting topic and speaker suggestions.

ELI has inquired about “partnering” with the Superconference and offering some version of their Boot Camp on the Wednesday before Superconference. The Council discussed the possibility and did not immediately see any thesis to support ENRLS coordinating conferences with ELI or see any advantage for the Superconference itself. The Council asked Lisa Dyar to seek clarification on the mechanics and financial aspects of how the ELI sees this working and to report back via e-mail. Steve requested that the Committee make a recommendation on whether or not to pursue coordinating events with ELI.

Lisa Dyar raised the question of criteria for using the money being donated by Earth X for scholarships to attend Superconference. Currently, we do not have clear set of criteria to use in making the decisions. After discussion, it was agreed that the Committee would develop a recommendation for a set of criteria to be consistently applied.

The Water Law conference is underway with 102 registered. Buck Benson suggested that scholarships to promote student attendance would be valuable and could help counter the lack of younger lawyers attending the conference. No action was taken on the suggestion.

SUPPLEMENT: Via e-mail, the Education Committee recommended that we NOT partner / coordinate activities with ELI for the 2019 Superconference. By e-mail, Steve moved for approval of this recommendation. The motion passed and the recommendation adopted.

d. Pro Bono & Community Outreach Committee

David Klein reported that he is doing research on potential recipient organizations. The Committee is recommending that the Council continue with donations for tree planting. Tree planting is viewed as tangible and measurable use of the money and non-controversial. To date, we have made donations to Tree Folks. However, Tree Folks works primarily around the Austin

area and there is interest in trying to capture a larger geographic impact with the ENRLS investment. David will be making a recommendation to the committee via e-mail shortly after this meeting.

SUPPLEMENT: Via e-mail, the Pro Bono Committee recommended a budget of \$10,000 with \$3,500 to Tree Folks, \$3,250 to the Texas Trees Foundation, and \$3,250 to Trees for Houston. The e-mail moved for approval of this recommendation. The motion passed and this pro bono budget and allocation are adopted.

e. Sponsorship & Membership Committee

The Committee reported on consideration of seeking additional sponsors to associate with particular expenses (e.g. a sponsor for the binders). Additionally, the Committee is evaluating offering reserved tables with the cost going to support money for additional scholarships.

Membership discussions were deferred until the next meeting.

SUPPLEMENT: Via e-mail, the Sponsorship and Membership Committee recommended and moved to sell sponsorships to corporations and NGOs similar to the way we sell law firm sponsorships. The motion passed and this recommendation adopted.

f. Website & Technology Committee

Co-chair Connie Westfall reported that the new website content is nearing completion and the expected the updated / revised ENRLS website to be up by May.

Steve moved to adjourn the meeting at 7:36PM; Susan Maxwell seconded the motion, which was unanimously approved.

1. The Sponsorship & Membership Committee's recommendation and motion to sell sponsorships to corporations and NGOs similar to the way we sell law firm sponsorships.
2. The Pro Bono & Community Outreach Committee's recommendation and motion to fund three (3) tree planting organizations this fiscal year.
3. The Education Committee's recommendation and motion that we do not partner with ELI at the 2019 Superconference for a Wednesday program.