

ENRLS Council Q4 Meeting Minutes – Tuesday, October 29, 2019 – 1:30pm
St. Mary's School of Law, One Camino Santa Maria, San Antonio, Texas 78228

I. Welcome and Introductions – Susan Maxwell.

Susan Maxwell opened the meeting at 1:30pm with roll call:

- a. Present: Susan Maxwell, Erin Chancellor, Pete Wahl, Kellie Billings-Ray, Buck Benson, Greg Ellis, Walt Shelton.
- b. Via Phone: David Klein, Nathan Block, Steve McMillen, Kristen Fancher, Lisa Dyar, Heather Palmer, Ashleigh Acevedo, Connie Westfall.
- c. Absent: Mike Dillinger, Aaron Vargas, Chris Schlag, Mary Mendoza, Jon Bull.

The business agenda began with the Treasurer's Report.

II. Treasurer's Report – Pete Wahl.

Pete Wahl provided the Treasurer's Report, the first report of the fiscal year (June 1-May 31). Compared to this point in the previous year, the Section has slightly less revenue to date than at this time last year. This is due to multiple factors but primarily receiving somewhat less in Superconference sponsorships and registration revenue than last year. Overall, this year's revenue is largely as budgeted, and expenses are well within the budgeted amounts.

Wahl noted that a SBOT accounting software conversion has made the year-over-year comparisons difficult, so moving forward he will increasingly focus on comparisons to budget numbers.

Susan Maxwell noted that, based on State Bar guidance, the Section will plan to approve its budget for the next fiscal year at the Council's Q2 meeting instead of the Q3 meeting moving forward.

III. Secretary's Report – Erin Chancellor.

Erin Chancellor provided the Secretary's Report.

Draft minutes for the ENRLS Council Q3 Meeting, held on July 31, 2019, were circulated prior to the meeting. Edits received prior to the meeting were incorporated. No further corrections or edits were offered at the meeting. Buck Benson moved to approve the minutes. Susan Maxwell seconded the motion. The minutes were unanimously approved.

Draft minutes for the ENRLS Annual Meeting, held on August 2, 2019, were circulated prior to the meeting. Edits received prior to the meeting were incorporated. One minor correction, and an amendment to reflect the motion and second of new officers and Executive Committee members, were offered at the meeting. With those final edits, Nathan Block moved to approve the minutes. Pete Wahl seconded the motion. The minutes were unanimously approved.



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IV. Committee Reports – Updates & Recommendations.

- a. Publications & Communications Committee – Ashleigh Acevedo & Aaron Vargas, Co-Chairs.

Ashleigh Acevedo provided the committee report regarding the Texas Environmental Law Journal (TELJ), including the new program year underway with UT Law students and the remaining transition with the prior Editor-in-Chief, Lyn Clancy and her assistant.

Volume 50 is moving at a good pace, with Issue 50-1 potentially off to the publisher by the end of the year. For Issue 50-2, there are still two article slots open. The Section will continue to publicize opportunities for publication in TELJ, with all inquiries directed to Acevedo.

- b. Law School Programs Committee – Walt Shelton, Kristen Fancher, & Kellie Billings-Ray, Co-Chairs.

Buck J. Wynne Memorial Scholarships.

Walt Shelton provided the scholarship report. There are a few recent changes to the scholarship award: (1) the award is now \$1,500 for the high grade in an environmental law survey course; (2) the list of eligible courses has expanded; and (3) each law school can receive a maximum of two awards each year if they offer more than one eligible course.

Professor Corwin W. Johnson Memorial Internships.

Kristen Fancher provided the internship program report. The application process for summer 2020 internships is underway. Selections are expected to be made in January 2020. This year Fancher is transitioning the process to the new intern coordinator, Kimberly Grinnan Kelley.

Law School Programs.

Shelton provided the law school programs report. A program was held at The University of Texas School of Law on October 22nd with a great turnout of about 50 students. Today, October 29th, is the program at St. Mary's Law. Other prospective programs for this academic year include Texas Tech, Baylor, Southern Methodist University (SMU), and potentially another joint program among the Houston-area law schools.

Maxwell announced that Kellie Billings-Ray will be joining Shelton and Fancher as co-chairs of the Law School Programs Committee.

- c. Education Committee – Lisa Dyar & Greg Ellis, Co-Chairs.

Texas Environmental Superconference.



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Lisa Dyar provided the Superconference report, beginning with a 2019 Superconference recap. Superconference was a success, with great program panels and participation. There was media coverage from Law360, E&E, Bloomberg, and InsideEPA, largely focused on the speakers who came in from Washington, DC.

The 2020 Superconference will take place August 6-7, 2020. Program development will begin early January. The Four Seasons contract negotiations for 2021 are coming up.

Changing Face of Water Law Conference.

Greg Ellis provided the Changing Face of Water Law Conference report. The 2020 program will take place February 20-21, again at the Hill Country Hyatt, and preceded by a Water Law 101 program the afternoon of February 19th. The planning committee has already met, and almost all the speakers have been confirmed.

Ellis mentioned that there is potential for speakers from this conference to adjust their CLE presentations into articles for publication in TELJ, if the timing can be synchronized with the TELJ publication cycle. Connie Westfall asked Ellis to encourage the CLE speakers to have their materials cleared to include on the Section's website.

d. Sponsorship & Membership Committee – Mike Dillinger & Heather Palmer, Co-Chairs.

Susan Maxwell provided the committee report on behalf of Mike Dillinger, who was unable to attend. Later this year, the Superconference sponsorship process will be underway, and the committee will continue to look at tweaking sponsorship opportunities for law firms and consultants. This money helps fund our law school internship and scholarship opportunities. Lastly, Heather Palmer will be joining Mike as co-chair of the committee this year.

e. Website & Technology Committee – Steve McMillen & Connie Westfall, Co-Chairs.

Steve McMillen provided the committee report. Building on last year's overhaul of the Section website, the committee is working with the site developer on various tweaks and updates to the website. A long-term goal is to have all past Superconference materials on the website, and potentially materials from all the Section-sponsored Changing Face of Water Law conferences as well.

The committee is working with Mary Mendoza and Haynes & Boone staff to refine the Superconference registration process for 2020, as that is conducted through the Section's website.

Susan Maxwell encouraged all Council members and committee chairs to take maximum advantage of the new website by regularly populating the pages with fresh content on ENRLS events and activities. Event information, photos, links, and other information should be developed by the appropriate committee and sent to McMillen and Westfall for posting on the site.



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- f. Pro Bono & Community Outreach Committee – David Klein & Buck Benson, Co-Chairs.

David Klein provided the committee report, noting that Buck Benson will be joining him as co-chair of the Committee.

Klein suggested including more content about pro bono activities and opportunities on the ENRLS website. Klein also mentioned that all the organizations ENRLS provided contributions to last year are grateful for the support, and include our logo on their materials and/or websites. Klein attended the TreeFolks annual gala, the Root Ball, in connection with the Section's financial support for this organization.

Susan Maxwell mentioned that the State Bar has put together a Pro Bono Workgroup and has asked that each section designate a liaison for the workgroup. Klein will serve as the ENRLS liaison. The workgroup will meet in Austin in early November.

V. Other Business.

- a. SBOT Annual Meeting Planning.

Susan Maxwell updated the group regarding planning for the SBOT Annual Meeting, which will be held June 25-26, 2020 in Dallas at the Hilton Anatole. Last year Greg Ellis and Emily Rogers did the ENRLS CLE presentation, entitled "What Every Lawyer Should Know about Water Law." Ellis reported that the presentation was well attended, with about 40 in the audience. The Council determined that ENRLS would plan a CLE presentation for the 2020 Annual Meeting, aiming again to focus on environmental topics that relate to other lawyers' practice areas and affect their clients. The Council also decided by consensus not to hold any additional events at the 2020 Annual Meeting.

- b. Nominating Committee.

Susan Maxwell brought up the procedure for members of the Nominating Committee, under the Section's newly revised bylaws. The Nominating Committee for 2020 will consist of Chair Susan Maxwell, Immediate Past Chair Steve McMillen, one Executive Committee member and three non-Council ENRLS members. In addition to a slate of three new Executive Committee members (2020-2023 term), the Nominating Committee will address the Treasurer position for 2020-2022.

- c. SBOT Internal Controls Audit.

Susan Maxwell informed the Council that in 2020, SBOT will conduct an internal controls audit, which will include auditing some of the sections. Considering this, SBOT is requiring all sections to take steps in preparation for an audit, including development of section-level written policies on financial internal controls and reimbursements. Treasurer Pete Wahl concurs that establishing written policies on financial practices will benefit the Section, and its



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future administration. Based on a template provided by SBOT Sections Department staff, Maxwell noted that she will form a working group to draft a proposed internal financial controls policy for the Council's consideration. Adopted policies are due to the State Bar by May 1, 2020.

d. Other Business.

Today's Law School Program.

The St. Mary's Law School career panel is in this room at 4pm, with a reception after.

Staggering Co-Chair Terms.

Greg Ellis brought up the issue of staggering the roll on/off years for the section-designated program co-chairs for the Changing Face of Water Law Conference. This CLE program is co-sponsored by ENRLS and the Real Estate, Probate and Trust Law (REPTL) Section, and traditionally each section has named its program co-chair to serve for two years. Ideally, those terms are staggered in order to maintain continuity in planning, but currently they are not, and thus both program co-chairs would be new for 2021. Ellis and his REPTL-appointed co-chair, Emily Rogers, propose a return to staggered terms, and Ellis is willing to serve for a third year. Susan Maxwell moved to approve the appointment of Ellis to an additional one year (2021) as the ENRLS program co-chair of the Changing Face of Water Law Conference. Buck Benson seconded the motion. The appointment was unanimously approved.

VI. Adjourn

Susan Maxwell moved to adjourn the meeting. Buck Benson seconded the motion. The meeting was adjourned at 3:02pm.

