



Texas City Attorneys Association

Board of Directors Meeting

South Padre Island, Texas

June 12, 2024

TCAA
Board of Directors
2023-2024

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Agenda

TCAA Board of Directors Meeting
South Padre Island, Texas
1st Floor Conference Room
Wednesday, June 12, 2024
4:00 p.m.

1. Welcome to new Board member, Brandon Davis.
2. Consider and approve minutes of the February 8, 2024 TCAA Board Meeting.
3. Consider and approve minutes of the March 18, 2024 TCAA Board Meeting.
4. Staff report on the survey results of the 2024 Riley Fletcher Basic Municipal Seminar.
5. Staff report on the 2024 TCAA Summer Conference.
6. Discuss ABA [Formal Opinion 511](#) on the confidentiality obligations of lawyers posting to listservs.
7. Discuss and consider the TCAA budget for FY 2024-2025.
8. Discuss and consider the program for the 2024 Fall TCAA Conference in Houston.
9. Discuss whether to amend the TCAA Constitution to provide for voting of board members at the semi-annual summer conference ([Art. IV, Section 3 and Art. V, Section 1 of the TCAA Constitution](#)).
10. Discuss and consider whether to amend the standards and requirements of the TCAA Municipal Certification Program.
11. Discuss whether to adopt a privacy policy for TCAA.
12. Report from TCAA Board representative on the TML Board.
13. Next board meeting will be held on October 9, 2024, in Houston.
14. Other business.
15. Adjourn.

TAB

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TAB

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Minutes

TCAA Board of Directors Meeting
TML Center – Luther Jones Conference Room
Austin, Texas
Thursday, February 8, 2024
3:30 p.m.

Board President Slater Elza called the meeting to order at approximately 3:29 a.m.

Board members present:

Slater Elza
Jennifer Richie
Julie Fort
Sharae Reed
Maleshia B. McGinnis
Victor Flores
Laura Mueller
Mike Hayes
Kuruvilla Oommen
Frank J. Garza (via telephone)

TML staff present:

Evelyn Njuguna
Amber McKeon Mueller
Miguel Martinez

1. Consider and approve minutes of the October 4, 2023 TCAA Board Meeting.

A motion to approve the October 4, 2023 board meeting minutes made by Jennifer Richie was seconded by Maleshia McGinnis. Unanimously approved.

2. Consider and approve minutes of the October 5, 2023 TCAA Business Meeting.

No action.

3. Consider and approve the 2024-2025 TML and TCAA Services Agreement.

A motion to approve the 2024-2025 TML and TCAA Services Agreement made by Jennifer Richie was seconded by Mike Hayes. Unanimously approved.

4. Consider and approve the location of the 2026 TCAA Summer Conference.

The Board selected the Moody Gardens Hotel & Spa in Galveston, Texas, as the location for the 2026 TCAA Summer Conference to be held on June 24-26, 2026.

5. Staff report on the 2024 Riley Fletcher Basic Municipal Seminar.

No action.

6. Staff report on the survey results of the 2023 TCAA Fall Conference.

No action.

7. Consider and approve the 2024 Summer Conference program.

The Board approved the 2024 Summer Conference program as amended.

8. Staff report on TCAA budget.

No action.

9. Staff report on directors' and officers' liability insurance.

The Board directed staff to procure directors' and officers' liability insurance.

10. Consider and approve recommending a TCAA member to serve on the 2024 TML Policy Summit.

A motion to recommend the appointment of Jennifer Richie to serve on the 2024 TML Policy Summit and Slater Elza as an alternate made by Sharae Reed was seconded by Julie Fort. Unanimously approved.

11. Consider and approve appointing a TCAA member to fill a vacancy on the TCAA Board for the remainder of the term (Victoria Huynh resignation).

A motion to appoint Brandon Davis to the TCAA Board for the remainder of Victoria Huynh's term made by Sharae Reed was seconded by Mike Hayes. Unanimously approved.

12. Next board meeting.

The board considered meeting before June 2024 meeting via Zoom.

13. Other business.

None.

14. Adjourn

The meeting adjourned at 5:19 p.m.

TAB

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Minutes

TCAA Board of Directors Meeting
Via Teams
Monday, March 18, 2024
10:00 a.m.

Board President Slater Elza called the meeting to order at approximately 10:02 a.m.

Board members present:

Slater Elza
Jennifer Richie
Julie Fort
Sharae Reed
Maleshia B. McGinnis
Victor Flores
Laura Mueller
Mike Hayes
Brandon Davis
Kuruvilla Oommen (K.O)
Frank Garza

Board members absent:

None

TML staff present:

Evelyn Njuguna
Miguel Martinez

1. Discuss and consider increasing membership dues.

A motion to increase the membership dues across all membership classes by \$10 made by Julie Fort and seconded by K.O. Unanimously approved.

2. Discuss and consider transitioning to a new listserv system.

No action.

3. Discuss paralegal program.

The Board agreed to formalize a committee on paralegal programming with one board member serving on the committee. Slater Elza requested board members to send him an email if interested in serving on the committee.

4. Discuss whether to conduct board elections for 2024-2025 via electronic voting.

The Board discussed revisiting this issue in the next year and also consider the cost for voting electronically. The Board also discussed proposing an amendment to the TCAA Constitution to provide for voting of officers at the TML Summer Conference. Staff was directed to determine if there would be a conflict with the TML Constitution if a decision was made to provide for voting of officers at the TML Summer Conference.

5. Other business.

6. Next board meeting.

The next board meeting will be held in South Padre Island at 4:15 p.m. on June 12, 2024.

7. Adjourn

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Please provide your name. ⓘ

Natalie Gullo

Megan Brua

Akeem Ayinde

Ronald Harper

Monica Thompson

Boyle & Lowry, LLP

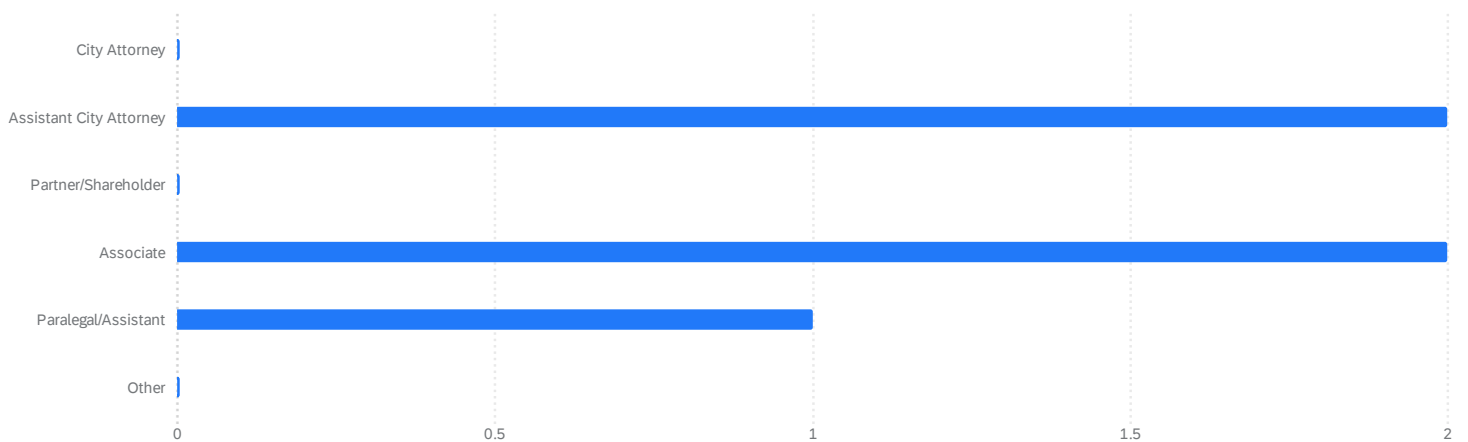
Messer Fort

City of Grand Prairie

Grand Prairie

City of Royse City

What is your current job title? 5 ⓘ



What is your current job title? 5 ⓘ

Q14 - What is your current job title?	Percentage	Count
City Attorney	0%	0
Assistant City Attorney	40%	2
Partner/Shareholder	0%	0
Associate	40%	2
Paralegal/Assistant	20%	1
Other	0%	0

What is your current job title? 5 ⓘ

What is your current job title?	Average	Minimum	Maximum	Count
City Attorney	-	-	-	0
Assistant City Attorney	6.00	6.00	6.00	2
Partner/Shareholder	-	-	-	0
Associate	3.00	3.00	3.00	2
Paralegal/Assistant	4.00	4.00	4.00	1
Other	-	-	-	0

Please provide your job title. ⓘ

No data found - your filters may be too exclusive!

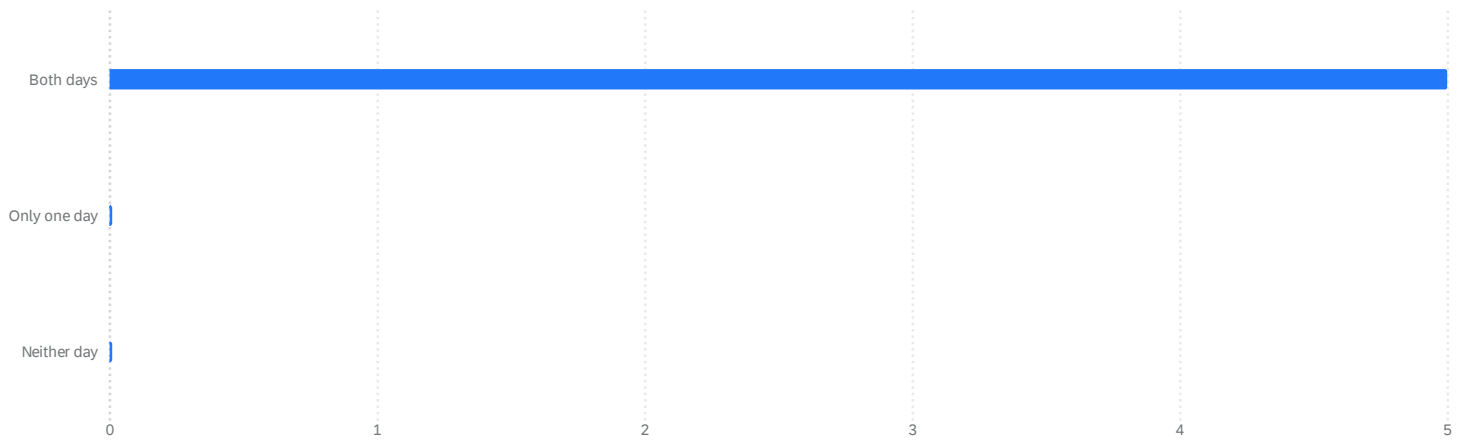
megan@txmunicipallaw.com

arayinde@gptx.org

rharper@gptx.org

Mthompson@roysecity.com

Did you attend the seminar onsite: 5 ⓘ



Did you attend the seminar onsite: 5 ⓘ

Q8 - Did you attend the seminar onsite:	Percentage	Count
Both days	100%	5
Only one day	0%	0
Neither day	0%	0

Did you attend the seminar onsite: 5 ⓘ

Did you attend the seminar onsite:	Average	Minimum	Maximum	Count
Both days	1.00	1.00	1.00	5
Only one day	-	-	-	0
Neither day	-	-	-	0

If you answered "only one day" or "neither day", did you: ⓘ

Attend at least one session via videocast instead

Not attend due to other reasons

0

If you answered "only one day" or "neither day", did you: 0 ⓘ

Q9 - If you answered "only one day" or "neither day", did you:

Count

Attend at least one session via videocast instead

0

Not attend due to other reasons

0

If you answered "only one day" or "neither day", did you: 0 ⓘ

If you answered "only one day" or "neither day", did you:

Count

Attend at least one session via videocast instead

0

Not attend due to other reasons

0

How would you rate the quality of the videocast? ⓘ

Excellent

Good

Average

Poor

Terrible

0

How would you rate the quality of the videocast? 0 ⓘ

Q12 - How would you rate the quality of the videocast?

Count

Excellent	0
Good	0
Average	0
Poor	0
Terrible	0

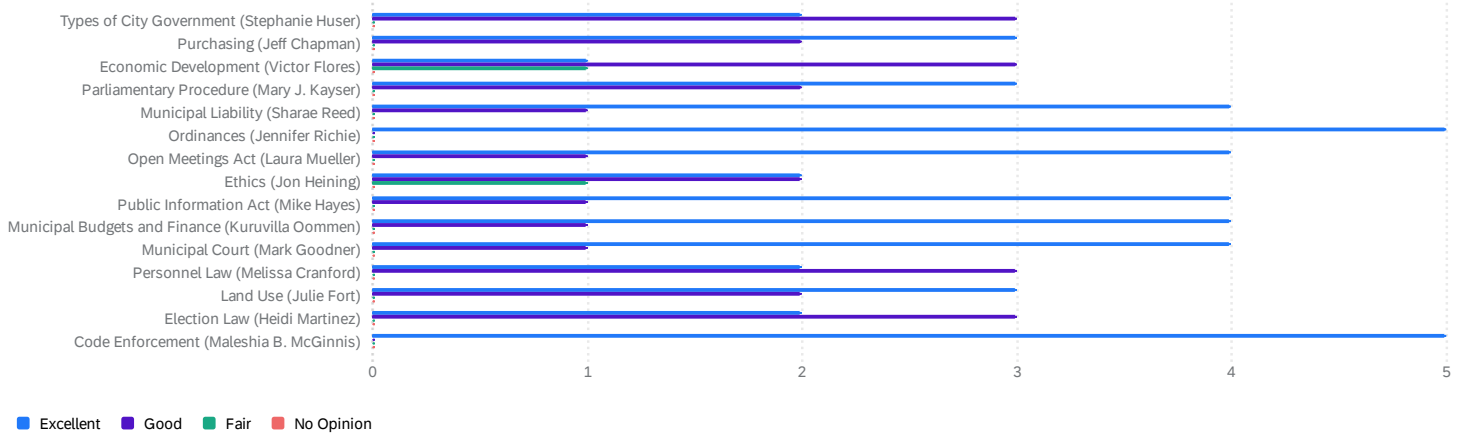
How would you rate the quality of the videocast? 0 ⓘ

How would you rate the quality of the videocast?

Count

Excellent	0
Good	0
Average	0
Poor	0
Terrible	0

Please rank the following sessions: 5 ⓘ



Please rank the following sessions: 5 ⓘ

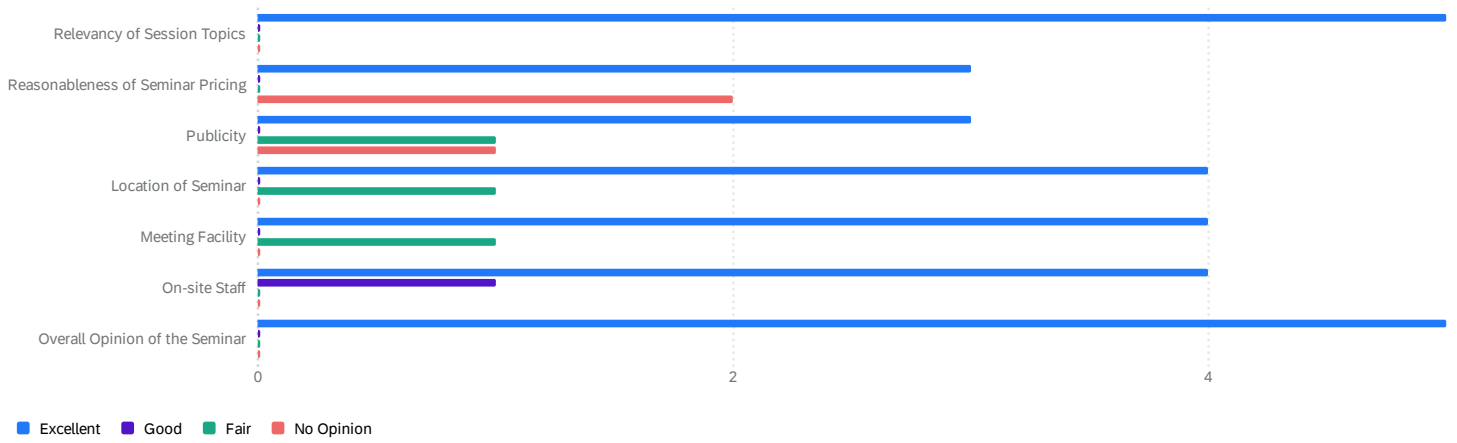
Please rank the following sessions:	Excellent	Good	Fair	No Opinion
Types of City Government (Stephanie Huser)	2	3	0	0
Purchasing (Jeff Chapman)	3	2	0	0
Economic Development (Victor Flores)	1	3	1	0

Please rank the following sessions:	Excellent	Good	Fair	No Opinion
Parliamentary Procedure (Mary J. Kayser)	3	2	0	0
Municipal Liability (Sharae Reed)	4	1	0	0
Ordinances (Jennifer Richie)	5	0	0	0
Open Meetings Act (Laura Mueller)	4	1	0	0
Ethics (Jon Heining)	2	2	1	0
Public Information Act (Mike Hayes)	4	1	0	0
Municipal Budgets and Finance (Kuruvilla Oommen)	4	1	0	0
Municipal Court (Mark Goodner)	4	1	0	0
Personnel Law (Melissa Cranford)	2	3	0	0
Land Use (Julie Fort)	3	2	0	0
Election Law (Heidi Martinez)	2	3	0	0
Code Enforcement (Maleshia B. McGinnis)	5	0	0	0

Please rank the following sessions: 5 ⓘ

Please rank the following sessions:	Average	Minimum	Maximum	Count
Types of City Government (Stephanie Huser)	1.60	1.00	2.00	5
Purchasing (Jeff Chapman)	1.40	1.00	2.00	5
Economic Development (Victor Flores)	2.00	1.00	3.00	5
Parliamentary Procedure (Mary J. Kayser)	1.40	1.00	2.00	5
Municipal Liability (Sharae Reed)	1.20	1.00	2.00	5
Ordinances (Jennifer Richie)	1.00	1.00	1.00	5
Open Meetings Act (Laura Mueller)	1.20	1.00	2.00	5
Ethics (Jon Heining)	1.80	1.00	3.00	5
Public Information Act (Mike Hayes)	1.20	1.00	2.00	5
Municipal Budgets and Finance (Kuruvilla Oommen)	1.20	1.00	2.00	5
Municipal Court (Mark Goodner)	1.20	1.00	2.00	5
Personnel Law (Melissa Cranford)	1.60	1.00	2.00	5
Land Use (Julie Fort)	1.40	1.00	2.00	5
Election Law (Heidi Martinez)	1.60	1.00	2.00	5
Code Enforcement (Maleshia B. McGinnis)	1.00	1.00	1.00	5

Please indicate your experience with the following elements of the meeting: 5 ⓘ



Please indicate your experience with the following elements of the meeting: 5 ⓘ

Please indicate your experience with the following elements of the meeting:	Excellent	Good	Fair	No Opinion
Relevancy of Session Topics	5	0	0	0
Reasonableness of Seminar Pricing	3	0	0	2
Publicity	3	0	1	1
Location of Seminar	4	0	1	0
Meeting Facility	4	0	1	0
On-site Staff	4	1	0	0
Overall Opinion of the Seminar	5	0	0	0

Please indicate your experience with the following elements of the meeting: 5 ⓘ

Please indicate your experience with the following elements of the meeting:	Average	Minimum	Maximum	Count
Relevancy of Session Topics	1.00	1.00	1.00	5
Reasonableness of Seminar Pricing	2.20	1.00	4.00	5
Publicity	2.00	1.00	4.00	5
Location of Seminar	1.40	1.00	3.00	5
Meeting Facility	1.40	1.00	3.00	5
On-site Staff	1.20	1.00	2.00	5
Overall Opinion of the Seminar	1.00	1.00	1.00	5

Please indicate any topics you would like to be included at future seminars. ⓘ

the city attorney at council meetings, ethics related to office of city attorney

Intergovernmental Relations

For the timeframe and breadth of topics in the seminar, it was very well done. Plus, the lecturers made themselves available to answer questions in a way that was wonderful - I got information that led me to answers on a couple of problems I'd been working on, which I appreciated. The one qualm I had was with the ethics presentation. It was a great presentation and Mr. Heining is an excellent speaker, but it was a little difficult to connect the content back to how it should fit in my practice. I believe his presentation was relevant, but it focused on what Mr. Heining could speak to - the ethics of legislative council attorneys. I think there is a better way to frame this for new municipal attorneys.

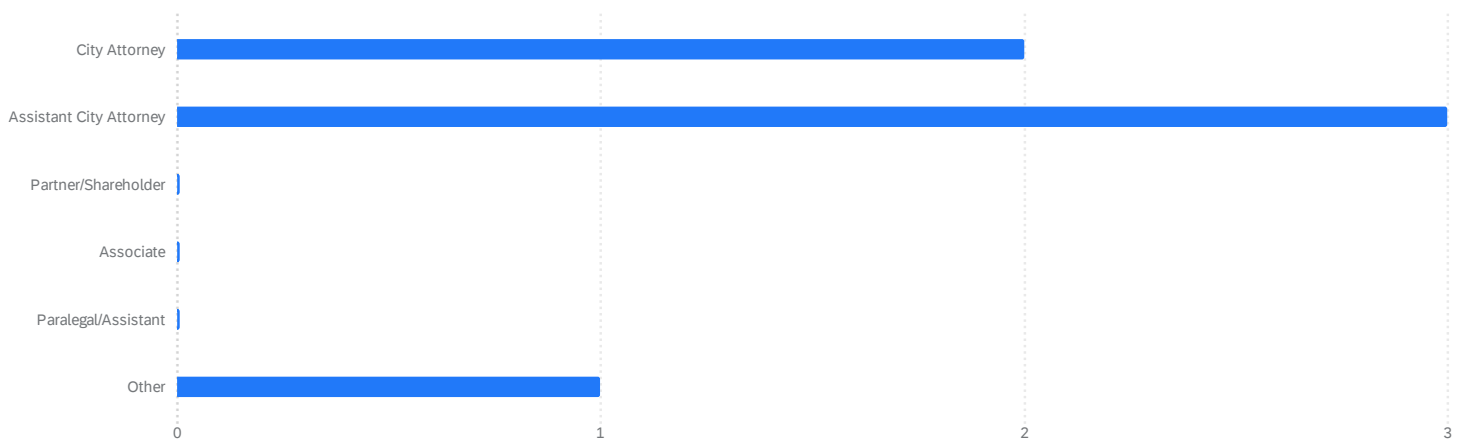
We're applying your changes and rebuilding the data set, and then your data set changes will be available to everyone.

99% Complete

Please provide your name. ⓘ

Please provide your city or firm, if applicable. ⓘ

What is your job title? 6 ⓘ ⚠



What is your job title? 6 ⓘ ⚠

Q9 - What is your job title?	Percentage	Count
City Attorney	33%	2
Assistant City Attorney	50%	3
Partner/Shareholder	0%	0
Associate	0%	0
Paralegal/Assistant	0%	0
Other	17%	1

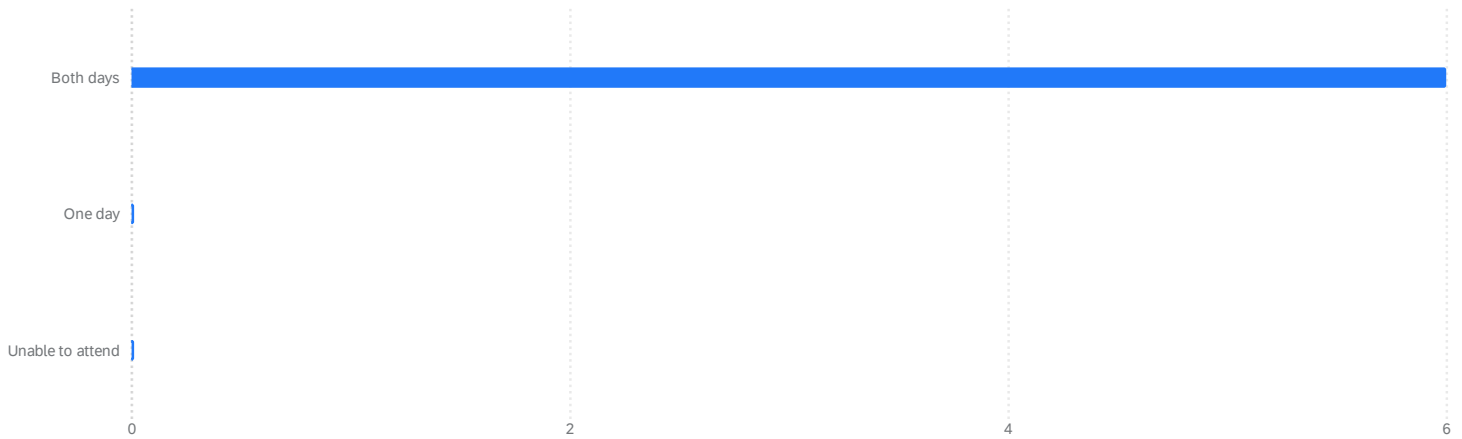
What is your job title? 6 ⓘ ⚠

What is your job title?	Average	Minimum	Maximum	Count
City Attorney	1.00	1.00	1.00	2
Assistant City Attorney	2.00	2.00	2.00	3
Partner/Shareholder	-	-	-	0
Associate	-	-	-	0
Paralegal/Assistant	-	-	-	0
Other	6.00	6.00	6.00	1

Please provide your job title. ⓘ

If you would like to enter your city/firm into the drawing for a free registration to the 2024 TCAA Summer Conference in South Padre, please provide your email address. (Past winners are not eligible.) ⓘ

Did you attend the videocast: 6 ⓘ ⚠



Did you attend the videocast: 6 ⓘ ⚠

Q11 - Did you attend the videocast:	Percentage	Count
Both days	100%	6
One day	0%	0
Unable to attend	0%	0

Did you attend the videocast: 6 ⓘ ⚠

Did you attend the videocast:	Average	Minimum	Maximum	Count
Both days	1.00	1.00	1.00	6
One day	-	-	-	0
Unable to attend	-	-	-	0

If "unable to attend", do you plan to view after the videos are posted online? ⓘ ⚠



If "unable to attend", do you plan to view after the videos are posted online? 0 ⓘ ⚠

Q13 - If "unable to attend", do you plan to view after the videos are posted online?

Count

	Count
Yes	0
No	0

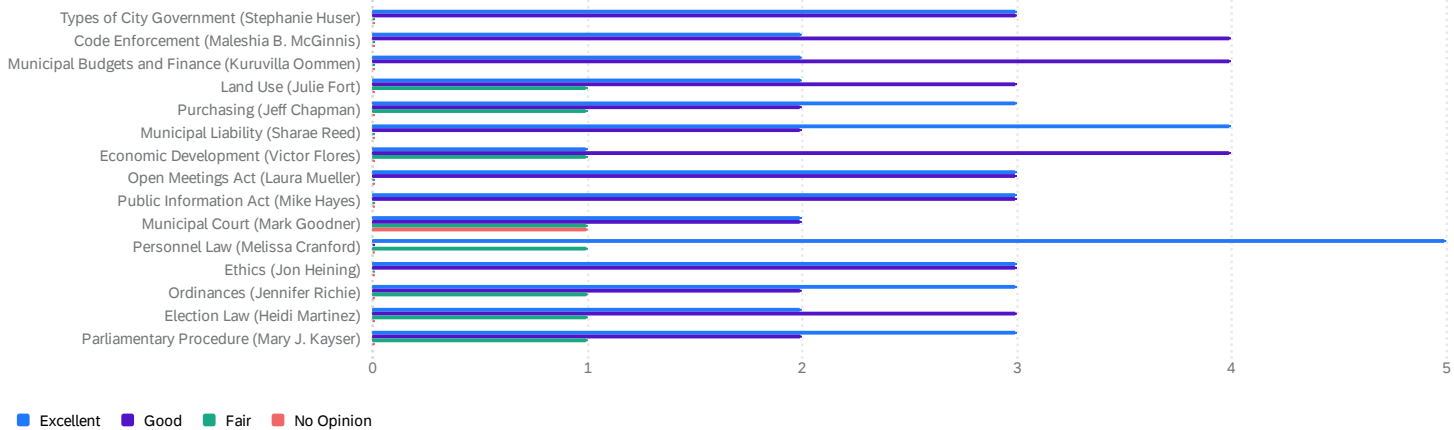
If "unable to attend", do you plan to view after the videos are posted online? 0 ⓘ ⚠

If "unable to attend", do you plan to view after the videos are posted onli...

Count

	Count
Yes	0
No	0

Please rank the following sessions: 6 ⓘ ⚠



Please rank the following sessions: 6 ⓘ

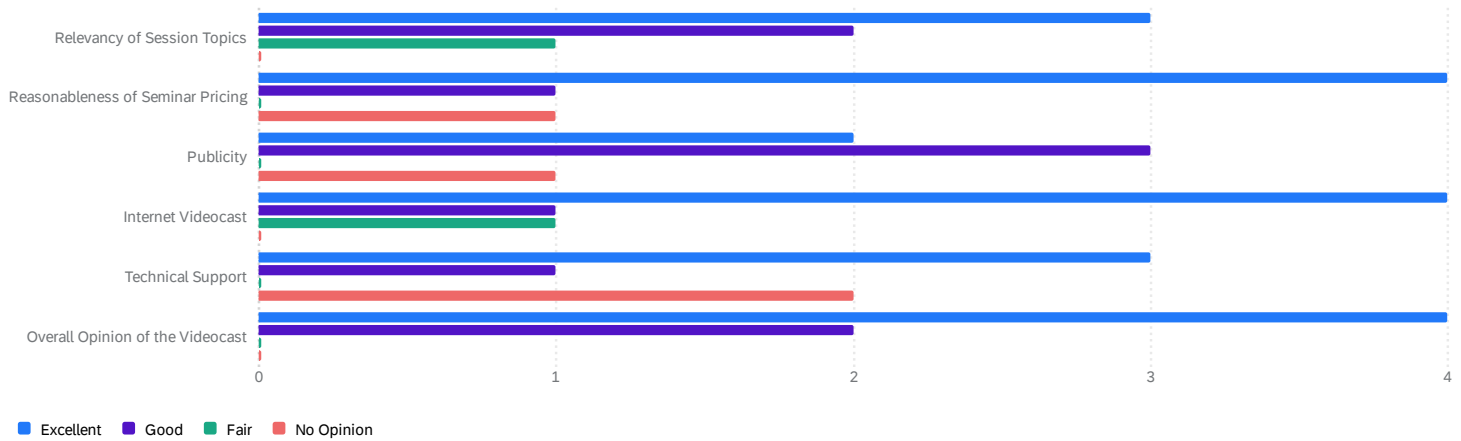
Please rank the following sessions:	Excellent	Good	Fair	No Opinion
Types of City Government (Stephanie Huser)	3	3	0	0
Code Enforcement (Maleshia B. McGinnis)	2	4	0	0
Municipal Budgets and Finance (Kuruvillea Oommen)	2	4	0	0
Land Use (Julie Fort)	2	3	1	0
Purchasing (Jeff Chapman)	3	2	1	0
Municipal Liability (Sharae Reed)	4	2	0	0
Economic Development (Victor Flores)	1	4	1	0
Open Meetings Act (Laura Mueller)	3	3	0	0
Public Information Act (Mike Hayes)	3	3	0	0
Municipal Court (Mark Goodner)	2	2	1	1
Personnel Law (Melissa Cranford)	5	0	1	0
Ethics (Jon Heining)	3	3	0	0
Ordinances (Jennifer Richie)	3	2	1	0
Election Law (Heidi Martinez)	2	3	1	0
Parliamentary Procedure (Mary J. Kayser)	3	2	1	0

Please rank the following sessions: 6 ⓘ

Please rank the following sessions:	Average	Minimum	Maximum	Count
Types of City Government (Stephanie Huser)	1.50	1.00	2.00	6
Code Enforcement (Maleshia B. McGinnis)	1.67	1.00	2.00	6
Municipal Budgets and Finance (Kuruvillea Oommen)	1.67	1.00	2.00	6
Land Use (Julie Fort)	1.83	1.00	3.00	6
Purchasing (Jeff Chapman)	1.67	1.00	3.00	6
Municipal Liability (Sharae Reed)	1.33	1.00	2.00	6
Economic Development (Victor Flores)	2.00	1.00	3.00	6
Open Meetings Act (Laura Mueller)	1.50	1.00	2.00	6
Public Information Act (Mike Hayes)	1.50	1.00	2.00	6
Municipal Court (Mark Goodner)	2.17	1.00	4.00	6
Personnel Law (Melissa Cranford)	1.33	1.00	3.00	6

Please rank the following sessions:	Average	Minimum	Maximum	Count
Ethics (Jon Heining)	1.50	1.00	2.00	6
Ordinances (Jennifer Richie)	1.67	1.00	3.00	6
Election Law (Heidi Martinez)	1.83	1.00	3.00	6
Parliamentary Procedure (Mary J. Kayser)	1.67	1.00	3.00	6

Please indicate your experience with the following elements of the meeting: 6 ⓘ



Please indicate your experience with the following elements of the meeting: 6 ⓘ

Please indicate your experience with the following elements of the meeting:	Excellent	Good	Fair	No Opinion
Relevancy of Session Topics	3	2	1	0
Reasonableness of Seminar Pricing	4	1	0	1
Publicity	2	3	0	1
Internet Videocast	4	1	1	0
Technical Support	3	1	0	2
Overall Opinion of the Videocast	4	2	0	0

Please indicate your experience with the following elements of the meeting: 6 ⓘ

Please indicate your experience with the following elements of the meeting:	Average	Minimum	Maximum	Count
Relevancy of Session Topics	1.67	1.00	3.00	6
Reasonableness of Seminar Pricing	1.67	1.00	4.00	6
Publicity	2.00	1.00	4.00	6
Internet Videocast	1.50	1.00	3.00	6

Please indicate your experience with the following elements of the meeting:

Average

Minimum

Maximum

Count

Technical Support

2.17

1.00

4.00

6

Overall Opinion of the Videocast

1.33

1.00

2.00

6

Water law

Great program!

TAB

5

TAB

6

May 08, 2024

ABA issues ethics guidance on a lawyer's use of listservs, particularly for pending matters

Share:



CHICAGO, May 8, 2024 — The American Bar Association Standing Committee on Ethics and Professional Responsibility released a formal opinion today that provides guidance for when a lawyer can seek advice on a listserv, noting that model rules in most cases forbid posting questions or comments relating to a representation — even in hypothetical or abstract form.

Formal Opinion 511 cites Rule 1.6 on confidentiality of the ABA Model Rules of Professional Conduct to say use of a listserv, beyond enabling lawyers to “keep abreast of changes in the law and its practice,” and seeking advice about a client matter would require a client’s informed consent in most cases.

Seeking advice on a listserv would be unethical, the opinion said, “if there is a reasonable likelihood that the lawyer’s questions or comments will disclose information relating to the representation that would allow a reader then or later to infer the identity of the lawyer’s client or the situation involved.”

“A lawyer may, however, participate in listserv discussions such as those related to legal news, recent decisions or changes in the law, without a client’s informed consent if the lawyer’s contributions will not disclose, or be reasonably likely to lead to the disclosure of, information relating to a client representation,” it added.

The listserv opinion drew from several prior ABA formal opinions dating back to 1998, as well as recent bar opinions in Oregon and Maryland. Those state opinions spotlighted the value of listservs to lawyers to test their

understanding of legal principles and to clarify the best way to proceed in unique situations.

But the ABA opinion emphasized “the more unusual the situation ... the greater the risk that the client can be identified, and therefore the greater the care that must be taken to avoid inadvertently disclosing client information protected by Rule 1.6.” It also said participation in most lawyer listserv discussion groups is “significantly different from seeking out an individual lawyer or personally selected group of lawyers practicing in other firms for a consultation about a matter.”

The standing committee periodically issues ethics opinions to guide lawyers, courts and the public in interpreting and applying ABA model ethics rules to specific issues of legal practice, client-lawyer relationships and judicial behavior. Other recent ABA ethics opinions are available [here](#).

The ABA is the largest voluntary association of lawyers in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law. View our [privacy statement](#) online. Follow the latest ABA news at www.americanbar.org/news and on X (formerly Twitter) [@ABANews](https://twitter.com/ABANews).

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion 511

May 8, 2024

Confidentiality Obligations of Lawyers Posting to Listservs

Rule 1.6 prohibits a lawyer from posting questions or comments relating to a representation to a listserv, even in hypothetical or abstract form, without the client's informed consent if there is a reasonable likelihood that the lawyer's questions or comments will disclose information relating to the representation that would allow a reader then or later to infer the identity of the lawyer's client or the situation involved. A lawyer may, however, participate in listserv discussions such as those related to legal news, recent decisions, or changes in the law, without a client's informed consent if the lawyer's contributions will not disclose, or be reasonably likely to lead to the disclosure of, information relating to a client representation.

Introduction

This opinion considers whether, to obtain assistance in a representation from other lawyers on a listserv discussion group, or post a comment, a lawyer is impliedly authorized to disclose information relating to the representation of a client or information that could lead to the discovery of such information.¹ Without the client's informed consent, Rule 1.6 forbids a lawyer from posting questions or comments relating to a representation—even in hypothetical or abstract form—if there is a reasonable likelihood that the lawyer's posts would allow a reader then or later to infer the identity of the lawyer's client or the particular situation involved, thereby disclosing information relating to the representation. A lawyer may, however, participate in listserv discussions such as those related to legal news, recent decisions, or changes in the law, if the lawyer's contributions do not disclose information relating to any client representation. The principles set forth in this opinion regarding lawyers' confidentiality obligations when they communicate on listservs apply equally when lawyers communicate about their law practices with individuals outside their law firms by other media and in other settings, including when lawyers discuss their work at in-person gatherings.²

Relevant Principles Regarding the Duty of Confidentiality

Subject to exceptions not applicable here,³ ABA Model Rule of Professional Conduct 1.6(a) provides that: "A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry

¹ This opinion is based on the ABA Model Rules of Professional Conduct as amended by the ABA House of Delegates through August 2023.

² See ABA Comm. on Ethics & Prof'l Responsibility Formal Op. 480 (2018) for a discussion of other forms of lawyer public commentary including blogs, writings, and educational presentations.

³ This opinion does not discuss the exceptions to the confidentiality obligation provided for in paragraph (b) because we cannot envision a recurring situation in which any of the exceptions are likely to authorize disclosures of information relating to a representation on a lawyer's listserv.

out the representation or the disclosure is permitted by paragraph (b).”⁴ Comment 3 explains that Rule 1.6 protects “all information relating to the representation, whatever its source” and is not limited to communications protected by attorney-client privilege.⁵ A lawyer may not reveal even publicly available information, such as transcripts of proceedings in which the lawyer represented a client. As noted in ABA Formal Opinion 04-433 (2004), “the protection afforded by Model Rule 1.6 is not forfeited even when the information is available from other sources or publicly filed, such as in a malpractice action against the offending lawyer.” Among the information that is generally considered to be information relating to the representation is the identity of a lawyer’s clients.⁶

Because Rule 1.6 restricts communications that “could reasonably lead to the discovery of” information relating to the representation,⁷ lawyers are generally restricted from disclosing such information even if the information is anonymized, hypothetical, or in abstracted form, if it is reasonably likely that someone learning the information might then or later ascertain the client’s identity or the situation involved.⁸ Comment 4 explains, that without client consent, Rule 1.6 prohibits:

disclosures by a lawyer that do not in themselves reveal protected information but could reasonably lead to the discovery of such information by a third person. A lawyer’s use of a hypothetical to discuss issues relating to the representation is permissible so long as there is no reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.

The breadth of Rule 1.6 was emphasized in ABA Formal Opinion 496 (2021), which cautioned lawyers about responding to online criticism: Lawyers “who choose to respond online must not disclose information that relates to a client matter *or that could reasonably lead to the discovery of confidential information by another.*” (Emphasis added).

Lawyers may disclose information relating to the representation with the client’s informed consent. “Informed consent” is defined in Rule 1.0(e) to denote “the agreement by a person to a

⁴ Comment 2 to Model Rule 1.6(a) emphasizes that a “fundamental principle in the client-lawyer relationship is that, in the absence of the client’s informed consent, the lawyer must not reveal information relating to the representation.”

⁵ The attorney-client privilege is an evidentiary rule applicable to judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence about a client. The duty of client-lawyer confidentiality is not limited to those circumstances, nor is it limited to matters communicated in confidence by the client. MODEL RULES OF PROF’L CONDUCT R. 1.6, cmt. [3].

⁶ Comment 2 to Rule 7.2, for example, notes that in lawyer advertising, client consent is required before naming regularly represented clients. *See also* Wis. Formal Op. EF-17-02 (2017) (lawyer may not disclose current or former client’s identity without informed consent; not relevant that representation is matter of public record or case is long closed); Ill. State Bar Ass’n Advisory Op. 12-03 (2012) (lawyer must obtain informed consent before disclosing client names to professional networking group); Ill. State Bar Ass’n Advisory Op. 12-15 (2012) (lawyer may take part in an online discussion group if no information relating to the representation is disclosed and there is no risk that the client could be identified); ABA ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT 133-134 (10th ed. 2023).

⁷ MODEL RULES OF PROF’L CONDUCT R. 1.6 cmt. [4].

⁸ *See, e.g.,* Colo. Bar Ass’n Formal Op. 138 (2019) (“Consultations using hypotheticals do not implicate [Rule] 1.6 provided that the hypotheticals do not create a ‘reasonable likelihood that the listener will be able to ascertain the identity of the client or the situation involved.’”).

proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.” Comments 6 and 7 to Rule 1.0 advise that the necessary communication will ordinarily require the lawyer to confer with the client and explain the advantages and disadvantages of the proposed course of conduct. And obtaining consent will usually require a client’s affirmative response; a lawyer generally may not assume consent from a client’s silence.⁹

Additionally, Rule 1.6(a) permits a lawyer to reveal information relating to the representation of a client if “the disclosure is impliedly authorized in order to carry out the representation.”¹⁰ Comment 5 to Rule 1.6 explains that “[l]awyers in a firm may, in the course of the firm’s practice, disclose to each other information relating to a client of the firm, unless the client has instructed that particular information be confined to specified lawyers.” Conversely, lawyers are generally not authorized to disclose information relating to the representation to lawyers outside the firm, including lawyers from whom the engaged lawyers seeks assistance. Rather, as a general matter, lawyers must obtain the client’s informed consent before engaging lawyers in the representation other than lawyers in their firm.¹¹

⁹ Lawyers who anticipate using listservs for the benefit of the representation may seek to obtain the client’s informed consent at the outset of the representation, such as by explaining the lawyer’s intention and memorializing the client’s advance consent in the lawyer’s engagement agreement. Rule 1.0(e) provides that for a client’s consent to be “informed,” the lawyer must “communicate[] adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.” Therefore, the lawyer’s initial explanation must be sufficiently detailed to inform the client of the material risks involved. It may not always be possible to provide sufficient detail until considering an actual post.

¹⁰ Comment 5 to Rule 1.6 explains that a lawyer is impliedly authorized to make disclosures “when appropriate in carrying out the representation.” In many situations, by authorizing the lawyer to carry out the representation, or to carry out some aspect of the representation, the client impliedly authorizes the lawyer to disclose information relating to the representation, to the extent helpful to the client, for the purpose of achieving the client’s objectives. *See, e.g.*, MODEL RULES OF PROF’L CONDUCT R. 2.3, cmt. [5] (“In many situations, providing an evaluation to a third party poses no significant risk to the client; thus, the lawyer may be impliedly authorized to disclose information to carry out the representation.”). For example, when a client authorizes a lawyer to conduct settlement negotiations or transactional negotiations, the client impliedly authorizes the lawyer to disclose information relating to the representation insofar as the lawyer reasonably believes that doing so will advance the client’s interests. What is impliedly authorized will depend “upon the particular circumstances of the representation.” ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT, *supra* note 6, at 135. *See, e.g.*, ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 483 (2018) (lawyer experiencing data breach may reveal information relating to representation to law enforcement if lawyer reasonably believes disclosure is impliedly authorized, will advance client’s interests, and will not adversely affect client’s material interests); N.C. Formal Op. 2015-5 (2015) (“[p]roviding a client’s new appellate counsel with information about the client’s case, and turning over the client’s appellate file to the successor appellate counsel, is generally considered appropriate to protect the client’s interests in the appellate representation” and impliedly authorized); ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 01-421 (2001) (lawyer hired by insurance company to defend insured normally has implied authorization to share with insurer information that will advance insured’s interests); *see also* RESTATEMENT OF THE LAW GOVERNING LAWYERS, § 61 (3d ed. 2001) (A lawyer is impliedly authorized to disclose information that “will advance the interests of the client in the representation.”). In at least one situation, the Rules themselves impliedly authorize the disclosure, even without the client’s implicit approval. *See* MODEL RULES OF PROF’L CONDUCT R. 1.14, cmt. [8] (“When taking protective action” on behalf of a client with diminished capacity pursuant to MODEL RULES OF PROF’L CONDUCT R. 1.14(b), “the lawyer is impliedly authorized to make the necessary disclosures, even when the client directs the lawyer to the contrary.”).

¹¹ Comment 6 to Rule 1.1 states that “[b]efore a lawyer retains or contracts with other lawyers outside the lawyer’s own firm to provide or assist in the provision of legal services to a client, the lawyer should ordinarily obtain informed consent...”

Seeking Advice or Assistance from a Listserv Discussion Group

ABA Formal Opinion 98-411 (1998) addressed whether a lawyer is impliedly authorized to disclose information relating to the representation to another lawyer, outside the inquiring lawyer's firm and without the client's informed consent, to obtain advice about a matter when the lawyer reasonably believes the disclosure will further the representation. The opinion contemplated that the lawyer seeking assistance would share information relating to the representation, in anonymized form, with an attorney known to the consulting lawyer. It further contemplated that the consulted attorney would both ensure there was no conflict of interest between the consulting lawyer's client and the consulted attorney's clients and would keep the information confidential even in the absence of an explicit confidentiality obligation. The opinion concluded that, in general, a lawyer is impliedly authorized to consult with an unaffiliated attorney in a direct lawyer-to-lawyer consultation and to reveal information relating to the representation without client consent to further the representation when such information is anonymized or presented as a hypothetical and the information is revealed under circumstances in which "the information will not be further disclosed or otherwise used against the consulting lawyer's client." The opinion explained, "Seeking advice from knowledgeable colleagues is an important, informal component of a lawyer's ongoing professional development. Testing ideas about complex or vexing cases can be beneficial to a lawyer's client." However, the opinion determined that the lawyer has implied authority to disclose only non-prejudicial information relating to the representation for this purpose and may not disclose privileged information.

In this opinion, the question presented is whether lawyers are impliedly authorized to reveal similar information relating to the representation of a client to a wider group of lawyers by posting an inquiry or comment on a listserv. They are not. Participation in most lawyer listserv discussion groups is significantly different from seeking out an individual lawyer or personally selected group of lawyers practicing in other firms for a consultation about a matter. Typical listserv discussion groups include participants whose identity and interests are unknown to lawyers posting to them and who therefore cannot be asked or expected to keep information relating to the representation in confidence. Indeed, a listserv post could potentially be viewed by lawyers representing another party in the same matter. Additionally, there is usually no way for the posting lawyer to ensure that the client's information will not be further disclosed by a listserv participant or otherwise used against the client. Because protections against wider dissemination are lacking, posting to a listserv creates greater risks than the lawyer-to-lawyer consultations envisioned by ABA Formal Ethics Opinion 98-411.

Without informed client consent, a lawyer participating in listserv groups should not disclose any information relating to the representation that may be reasonably connected to an identifiable client. Comment 4 to Rule 1.6 envisions the possibility of lawyers using hypotheticals to discuss client matters. However, a lawyer must have the client's informed consent to post a hypothetical to a listserv if, under the circumstances, the posted question could "reasonably lead to the discovery of" information relating to the representation because there is a "reasonable likelihood" that the reader will be able to ascertain the identity of the client or the situation involved. Although this opinion focuses on lawyers' efforts to obtain information from other lawyers for the benefit of a legal representation, the obligation to avoid disclosing information relating to a representation applies equally when lawyers post on listservs for other purposes, such

as to reply to requests for help, to develop their practices by networking, or simply to regale their professional colleagues with “war stories.”¹²

Not all inquiries to a listserv designed to elicit information helpful to a representation will disclose information relating to the representation. In some situations, because of the nature of the lawyer’s practice, the relevant client or the situation involved will never become known, and therefore the lawyer’s anonymized inquiry cannot be identified with a specific client or matter. In other cases, the question may be so abstract and broadly applicable that it cannot be associated with a particular client even if others know the inquiring lawyer’s clientele. In circumstances such as these, a lawyer may post general questions or hypotheticals because there is no reasonable possibility that any listserv member, or anyone else with whom the post may be shared, could identify the specific client or matter.¹³

Illustratively, the authors of Oregon Bar Opinion 2011-184 explained that “[c]onsultations that are general in nature and that do not involve disclosure of information relating to the representation of a specific client” do not require client consent under Rule 1.6. Careful lawyers will often be able to use listservs to ask fellow practitioners for cases and articles on topics, for forms and checklists, and for information on how various jurisdictions address a court-connected concern without enabling other lawyers to identify the lawyer’s client or the situation involved. Posting this sort of inquiry on a listserv, to the extent possible without disclosing information relating to the representation, may have advantages over a lawyer-to-lawyer consultation precisely because it is broadly disseminated. Maryland State Bar Association Ethics Opinion 2015-03 described peer-to-peer lawyer listservs as a “powerful tool” providing “the opportunity for a

¹² Lawyers should keep in mind that the confidentiality obligation continues after the representation ends. *See* Rule 1.9(c)(2) (“A lawyer who has formerly represented a client in a matter . . . shall not thereafter . . . reveal information relating to the representation except as these Rules would permit or require with respect to a client.”). This restriction on the disclosure of information relating to a former representation applies even if the information is generally known. *See* ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 479 (2017) (discussing the “generally known” exception to the use of confidential information adversely to a former client allowed under Rule 1.9(c)(1) and distinguishing it from the broader prohibition against disclosure of that information). Unlike the counterpart provision (Disciplinary Rule 4-101) of the earlier Code of Professional Responsibility, Rule 1.6 does not permit disclosure of non-privileged information relating to a representation or former representation if its disclosure would not embarrass or harm a client and the client has not specifically asked the lawyer not to disclose it. Consequently, lawyers may not tell “war stories” about a former representation without the former client’s consent if the former client or situation can be identified. As we have noted in the past, the restriction imposed by Rule 1.6 may have First Amendment implications, but the constitutional right to freedom of speech has historically been interpreted consistently with lawyers’ confidentiality obligations to clients. *See* ABA Comm. on Ethics & Prof’l Responsibility, Formal Op. 480 (2018) (commenting on First Amendment considerations when lawyers act in representative capacities).

¹³ For example, a general question requesting case law on whether a warrantless search of a garbage bin outside a residence violates the Fourth Amendment is less likely to allow a reader to infer the client’s identity than a hypothetical revealing the precise facts of a specific search. But if there is a reasonable likelihood that readers can correctly infer the client’s identity, then even the general question discloses information relating to the representation, requiring informed consent. For example, a reader could infer that a lawyer who posts a question to a listserv about the constitutionality of searches of garbage bins located outside of a residence is representing a client whose garbage bin was searched, evidence was found, the lawyer would like to move to suppress the evidence, and the lawyer is unsure of all the relevant case law. Regardless of whether the implicit disclosure of this “information relating to the representation” is prejudicial to the client, Rule 1.6 provides that if the client’s identity could be ascertained, it is the client’s decision whether to disclose this sort of information broadly via a listserv to assist the lawyer in conducting useful legal research.

lawyer to test his or her understanding of legal principles and to clarify the best way to proceed in unique situations.”

The more unusual the situation, however, the greater the risk that the client can be identified, and therefore the greater the care that must be taken to avoid inadvertently disclosing client information protected by Rule 1.6. Oregon Bar Opinion 2011-184 makes the point. Matters “[w]hen the facts are so unique or where other circumstances might reveal the identity of the consulting lawyer’s client even without the client being named,” are among those in which “the lawyer must first obtain the client’s informed consent for the disclosures.”

Additionally, when lawyers represent only one client (as in the case of in-house counsel or government lawyers) or their client’s identity can be readily inferred (as in the case of a litigator seeking assistance with a pending or contemplated action), “a description of specific facts or hypotheticals that are easily attributable to the client likely violates Rule 1.6 in most contexts.”¹⁴ Also, if a matter is receiving media coverage or the group of listserv participants is comprised of a small, closely connected legal community, the risk of a Rule 1.6 violation is likely to be too great to permit the lawyer to post a hypothetical relating to the matter without the informed consent of the client. For example, where the listserv participants are familiar with each other’s practice because they practice in a limited geographic area or a specialized practice setting, posting a hypothetical based on information relating to the representation of the client will be more likely to lead to disclosure of the client’s identity to some other participant on the listserv. The lawyer should err on the side of caution and avoid specific hypotheticals, refrain from posting, or obtain the client’s informed consent if there is any reasonable concern.¹⁵

Finally, it bears emphasizing that lawyer listservs serve a useful function in educating lawyers without regard to any particular representation. Lawyers use listservs to update one another about newly published decisions and articles or to share recommendations for helpful contractors or fellow practitioners. Comment 8 to Rule 1.1 advises lawyers to “keep abreast of changes in the law and its practice,” and lawyer listservs can help in doing so. These uses, unrelated to any particular representation, would not require a lawyer to secure the informed consent of a client. A lawyer must, however, remain aware of the possible risks to confidentiality involved in any posts to a listserv. Even a general question about the law, such as a request for cases on a specific topic, may in some circumstances permit other users to identify the client or the situation involved. Therefore, before any post, a lawyer must ensure that the lawyer’s post will not jeopardize compliance with the lawyer’s obligations under Rule 1.6.

¹⁴ Md. State Bar Ass’n Ethics Comm. Op. 2015-3 (2015).

¹⁵ When seeking a client’s informed consent to post an inquiry on a listserv, the lawyer must ordinarily explain to the client the risk that the client’s identity as well as relevant details about the matter may be disclosed to others who have no obligation to hold the information in confidence and who may represent other persons with adverse interests. This may also include a discussion of risks that the information may be widely disseminated, such as through social media. A lawyer should also be mindful of any possible risks to the attorney-client privilege if the posting references otherwise privileged communications with the client. Whether informed consent requires further disclosures will depend on specific facts.

Conclusion

Rule 1.6 prohibits a lawyer from posting comments or questions relating to a representation to a listserv, even in hypothetical or abstract form, without the client's informed consent if there is a reasonable likelihood that the lawyer's posts will disclose information relating to the representation that would allow a reader then or later to recognize or infer the identity of the lawyer's client or the situation involved. A lawyer may, however, participate in listserv discussions such as those related to legal news, recent decisions, or changes in the law, without a client's consent if the lawyer's contributions will not disclose information relating to a client representation.

AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

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CENTER FOR PROFESSIONAL RESPONSIBILITY: Mary McDermott, Lead Senior
Counsel

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TAB

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MEMORANDUM

TO: TCAA Board of Directors
From: Evelyn Njuguna
Date: June 3, 2024
Re: TCAA Budget for FY 2024-2025

The following materials contain the proposed TCAA budget for FY 2024-25.

The budget anticipates a deficit of \$81,814, primarily due to the cost of the 2025 Summer Conference. The proposed budget also includes the following highlights:

- proposed membership dues increase, which will provide approximately \$5,630 in additional revenue.
- Incorporates TML administrative costs that were approved by the Board in February 2024.
- \$2000 for Board of Directors' Errors & Omissions Liability Insurance.
- \$2,800 annual subscription fee for a new listserv.
- A one-time \$5,400 cost to consolidate into one the various TCAA websites.

Texas City Attorneys Association

DRAFT

Budget Summary

FY 2024 - 2025

INCOME:

Membership Dues	43,550
Investment Income	2,000
Semi-Annual Meeting (Summer)	79,800
Sponsor Revenue	70,000
CML Revenue	200
Paralegal Programming	<u>500</u>
TOTAL:	\$196,050

EXPENSES:

Board Meetings	4,564
Semi-Annual Meeting (TML)	20,188
Semi-Annual Meeting (Summer)	182,843
Newsletter	19,992
Web site	9,176
TCAA Listserv	3,584
Administrative Services	20,317
Miscellaneous	<u>17,200</u>
TOTAL:	\$277,864

2024-2025 BUDGETED DEFICIT:

(\$81,814)

TOTAL RESERVE FUNDS:

(Approximate)

\$319,751

INCOME

Membership Dues:

212 City Attorneys (\$80.00)	16,960
294 Assistant City Attorneys (\$50.00)	14,700
126 Associate Members (\$90.00)	11,340
11 Paralegal (\$50.00)	<u>550</u>

Total: \$43,550

Investment Income:

Current Rates	\$2,000
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Summer Conference:

200 Registered (\$399.00)	\$79,800
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Sponsor Revenue:

Sponsorship	\$70,000
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MCP Revenue:

Municipal Certification Program	\$200
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Paralegal Programming:

Webinars	\$500
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TOTAL INCOME: \$196,050

EXPENSES

Board Meetings:

3 Board Meetings, plus board gift and misc	1,800
TML Services Contract	1,764
TML Staff Travel Expenses	<u>1,000</u>

Total: \$4,564

Semi-Annual Meeting (TML):

MCLE	200
Food and Beverage	5,000
AV Charges (including videography)	6,500
TML Service Agreement	3,038
TML Staff Travel Expenses	1,000
Postage	450
Printing/Marketing	1,000

Speaker Expenses (including registration and gifts)	2,000
Miscellaneous	<u>1,000</u>
Total:	\$20,188

Semi-Annual Meeting (Summer)

MCLE	400
Attendee Gifts	3,000
Food and Beverage (including attendee lunch)	119,000
TML Service Agreement	7,693
TML Staff Travel Expenses	3,000
Conference Supplies	1,650
Printing/Marketing	1,600
Postage	500
AV Charges (including videography)	40,000
Galen Sparks/ Susan Rocha/ Mentor Awards	2,000
Speaker Gifts	1,000
Miscellaneous	<u>3,000</u>
Total:	\$182,843

Newsletter:

12 issues (\$1,462 per issue)	\$19,992
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Website:

TML Service Agreement	1,176
Website Fees	2,000
Webinar Expenses (Zoom)	600
TCAA Website Buildup	<u>5,400</u>
Total:	\$9,176

TCAA Listserv:

TCAA Listserv (Gaggle)	2800
Admin Expenses	<u>784</u>
Total:	\$3,584

Administrative Services:

700 Members (\$20.00)	14,000
Financial Charges	2,090
TCAA Affiliate Groups	98
TCAA Municipal Law Conference Scholarship	147
TCAA Sponsorship Coordination	490
Professional Fee - Audit	1,100
D&O Insurance	2,000

	Paralegal Programming	<u>392</u>
	Total:	\$20,317
Miscellaneous:		
	Printing and Reproduction	350
	Awards and Recognition	1,000
	Office Supplies	100
	Public Relations	300
	Postage	450
	IMLA Small City Membership Contributions	3,000
	Four IMLA Conference Scholarships	8,000
	Other Associaton Sponsorships	1,000
	Miscellaneous	<u>3,000</u>
	Total:	\$17,200
	TOTAL EXPENSES:	\$277,864

INCOME

TAB

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Texas City Attorneys Association
Fall Conference in Conjunction with the Texas Municipal League Annual Conference
5.5 Hours of MCLE Credit (Including .5 Ethics Hour) – Course # _____
Thursday, October 10, 2024 – Houston, Room _____

- 8:00 – 8:30 a.m. Registration
- 8:30 – 8:45 a.m. **Welcome and Opening Remarks:** TCAA President, Slater Elza and Arturo Michel, City Attorney, City of Houston
- 8:45 - 9:15 a.m. **Regulating the Unhoused,** Benjamin Gibbs, City of Arlington (.5 hr)
- 9:15 – 9:45 a.m. **Executive Misconduct: Investigating Allegations at the Highest Level,** Thomas Gwosdz, The Gwosdz Law Firm, PLLC (.5 hr)
- 9:45 – 10:15 a.m. **Hot Topics in Land Use Law,** Terry Welch, Brown & Hofmeister L.L.P. (.5 hr)
- 10:15 - 10:30 a.m. Break
- 10:30 -11:00 a.m. **Compassionate Use Act and Public Safety Employees,** Clarissa M. Rodriguez (& Rebecca Hayward), Denton Navarro Rodriguez Bernal Santee & Zech, P.C. (.5 hr)
- 11:00 – 11:30 a.m. **The Legal Risks and Potential Liability of Municipalities in Natural Disasters; From Floods to Freezes, and What The Governor Has To say About It,** Gabrielle Smith, James Parker, or Jose de la Fuente, Lloyd Gosselink Rochelle & Townsend, P.C. (.5 hr)
- 11:30 a.m. – Noon **A Knockout Rose By Any Other Name: The Curious Texas Tradition of “Not Naming” Cities in Legislation,** Aniz Alani, City of Dripping Springs (.5 hr)
- Noon - 1:45 p.m. TML Delegates Luncheon and Presentation (Separate Ticketed Event) or Lunch on Your Own
- 1:45 - 2:00 p.m. **Business Meeting:** Election of TCAA Officers and Passing of the Gavel
- 2:00 -2:30 p.m. **Quick and Dirty Guide to the Top 10 First Amendment Sources of Litigation for Cities,** Miles Risley, City of Corpus Christi (.5 hr)
- 2:30 - 3:00 p.m. **Recent Federal Cases of Interest to Cities,** Randy Montgomery, D. Randall Montgomery & Associates, PLLC (.5 hr)
- 3:00 - 3:30 p.m. **Election Minefields and How to Avoid Blowing Up,** Ryan Henry, The Law Offices of Ryan Henry, PLLC (.5 hr)
- 3:30 – 3:45 p.m. Break
- 3:45 - 4:15 p.m. **Construction Manager-at-Risk,** Jennifer W. DeCurtis, City of Irving (.5 hr ethics)
- 4:15 – 4:45 p.m. **Ethics,** Brandon Davis, Olson & Olson LLP (.5 hr)
- 4:45 p.m. Adjourn

To claim MCLE credit for today please see the instructions on the back of this page.

MCLE Electronic Reporting Instructions

The State Bar MCLE Department has implemented an electronic reporting system for MCLE credit. **You are responsible for reporting your MCLE hours for this seminar.** The following are instructions as to how to report your credits online:

1. To report your hours for this course, go to www.texasbar.com.
2. Click on "My Bar Page" in the top right of the screen.
3. Enter your bar card number and password, or create a new account to obtain a password, and click "login." Once logged in, you may have to click a link that states "click here to continue."
4. On your home page, click on "View or Report MCLE Hours" on the left side of the screen.
5. Click on "Add a course or self-study credit" in the gray box in the center of the screen.
6. Click on "Approved Course Credits."
7. Enter the 2024 TCAA Fall Conference course number (_____), the course date, and the number of hours you attended.
8. Click "submit."

If you have questions, please contact the State Bar of Texas directly at 1-800-204-2222.

In lieu of electronic reporting, you may contact the state bar for a traditional bubble-sheet reporting form.

2024 TCAA Fall Conference Proposed Topics

Speaker	Topic
Elisabeth Kaylor , City of Arlington	Why Government Attorneys Need to Care About Employee Discipline. I think this is an oldie but a goody: Disciplinary actions for government employees, or disciplinary actions for public safety. These topics have so much nuance and every day applications, I think it's well worth having a class on it on the regular. I have worked in employment law in the public sector for close to 15 years now, and I have seen the immense impact disciplines have on personnel and on an organization. I also supervise our litigators and can see where it comes into play in litigation, also.
Terry Welch , Brown & Hofmeister L.L.P.	Hot Topics in Texas Land Use Law. It would cover the Colony Ridge issues (land use and drug dealers), "gentle" density (a hot topic in the Dallas area); single family for rent developments and a brief short term rental update.
Jennifer W. DeCurtis , City of Irving	Construction Manager-at-Risk.
Ben Stephens & Kate David , Husch Blackwell LLP	Making the Most of the Plea to the Jurisdiction: A Practitioner's Guide. A plea to the jurisdiction is a powerful tool for raising a City's governmental immunity. But Texas courts have shaped the contours of pleas to the jurisdiction with minimal input from the legislature. Effectively presenting a plea while preserving your City's position on appeal and in possible future litigation is far from straightforward. In this presentation, we discuss some of the leading Texas cases defining current plea to the jurisdiction practice; look at practical scenarios in which pleas to the jurisdiction are effective (or not); consider how to effectively position a plea to the jurisdiction for appeal; and address some of the most common litigation issues that arise with pleas to the jurisdiction for government litigators.
Benjamin Gibbs , City of Arlington	Muldrow and Insubstantial Harm. The Supreme Court's decision in <i>Muldrow v. St. Louis</i> this year settled a circuit split as to the standard of harm for Title VII discrimination claims. The new standard of harm falls somewhat short of "material" or "substantial" harm, but just above "no harm." This class would address what this decision means for cities defending Title VII Discrimination complaints going forward, particularly in light of the Fifth Circuit's rejecting

	<p>thirty years of "Ultimate Employment Decision" precedent in <i>Hamilton v. Dallas County</i> in 2023.</p> <p>Three New 2024 Rules for Employment Law. 2024 saw three large and notable rules changes from Federal agencies that govern employment issues. In March, the DOL adopted new rules for determining employee/independent contractor status under FLSA, replacing the 2021 Economic Dependence rules with a six-factor equal-weighted test. In April, the EEOC issued its final regulations implementing the Pregnant Workers' Fairness Act and requiring accommodations related to pregnancy and childbirth. In July (and again in January 2024) new rules about entitlement to overtime hours went (and will go) into effect. This class would discuss the impact of these rules for municipal employment law practitioners.</p> <p>Regulating the Unhoused. The Supreme Court took up <i>Grants Pass OR v. Johnson</i> this year to address the circuit split as to enforcement of civil and criminal penalties for offenses related to public camping against unhoused persons. This is the latest, not the first, question of regulation of transient and unhoused populations by municipalities. This class would discuss the history and current status of such regulation, and consider the impact that the decision in <i>Grants Pass</i> (which will likely be issued before the October conference) will mean, going forward.</p>
<p>Cynthia Withers, City of Arlington</p>	<p>TTCA's Emergency Exception. We are defending several police officer involved motor vehicle accidents that fall under the emergency exception. We just filed a response to a petition for review in the Texas Supreme Court in a case style <i>Craig Taylor v. City of Arlington</i>. The issues concerning the duty owed and potential liability for emergency action in this type of situation are interesting, particularly in light of the Supreme Court decisions in the <i>City of Houston v. Green</i> and <i>City of San Antonio v. Maspero</i> cases. The <i>City of</i></p>

	<p><i>Houston v. Green</i> decision came out after we had filed a Motion for Rehearing En Banc. The Fort Worth Court of Appeals withdrew their opinion affirming denial of the City’s plea to the jurisdiction and then substituted it with a memorandum opinion on rehearing in favor of the City. It was a great victory!</p>
<p>Ryan Henry, The Law Offices of Ryan Henry, PLLC</p>	<ul style="list-style-type: none"> • Tips and Tricks in Drafting Contracts for Your City • Election minefields and how to avoid blowing up. • Charters, initiatives, referendums, and more how to survive on the battlefield. • Ethics commissions – the multi-headed hydra
<p>Sarah Glaser, Lloyd Gosselink Rochelle & Townsend, P.C.</p>	<p>Be More Accommodating! A primer on recent changes in PWFA, ADA, and Title VII accommodation obligations.</p> <p>Sarah will provide an overview of updates in workplace accommodation law, including accommodations for pregnancy, childbirth, and related medical conditions, religious practices, and disabilities. The presentation covers specifics detailed in the recently issued regulations for the Pregnant Workers’ Fairness Act, recent case law analyzing the Supreme Court’s decision in <i>Groff v. DeJoy</i> which heightened an employer’s obligation to provide reasonable accommodation for religious practices, and a brief Americans with Disabilities Act case law update (time permitting).</p>
<p>Clarissa M. Rodriguez (& Rebecca Hayward), Denton Navarro Rodriguez Bernal Santee & Zech, P.C.</p>	<p>Compassionate Use Act and Public Safety Employees.</p>
<p>Miles Risley, City of Corpus Christi</p>	<p>Quick & Dirty Guide to the Top 10 First Amendment Sources of Litigation for Cities. My topic will be well-researched, entertaining, and come with an adult-content warning to attract viewers. It will have a paper based on my IMLA paper from its Spring session. The TCAA version will, of course, be more Texas-focused.</p>
<p>Aniz Alani, City of Dripping Springs</p>	<p>A Knockout Rose By Any Other Name: The Curious Texas Tradition of “Not Naming” Cities in Legislation. The topic on which I’d propose to present is the state practice of enacting legislation targeted to specific local</p>

	<p>governments without naming the jurisdiction in question, but rather through using opaque descriptors like “a municipality that borders on the Gulf of Mexico and has a population of more than 250,000 or in a municipality with a population of less than 5,000 adjacent to a home-rule city with a population of less than 80,000” or “a municipality that is intersected by both State Highways 71 and 95”.</p> <p>I’d discuss the apparent roots of this practice in Article III, section 56 of the Texas Constitution’s prohibition against passing “special or local laws” and the state case law that has shaped the contours of which “end runs” around the prohibition pass muster and those that do not. The talk would also include a fun “Jeopardy!”-style listing of legislative codenames for Texas jurisdictions to which the audience (or a select panel of TCAA experts) would guess the secret identity.</p>
<p>Thomas Gwosdz, The Gwosdz Law Firm, PLLC</p>	<p>Executive Misconduct: Investigating Allegations at the Highest Level. This session will discuss the unique considerations when investigating allegations of misconduct against key employees, including central administrative staff, first responders, and law enforcement officers.</p>
<p>Gabrielle Smith, James Parker, or Jose de la Fuente, Lloyd Gosselink Rochelle & Townsend, P.C.</p>	<p>Injunction, mandamus, and specific performance: equitable relief, discussed equitably. The power to compel a party to do something or to prevent a party from taking an action are among the greatest powers courts have. This presentation examines the requirements and procedures involved both in seeking or resisting equitable relief, particularly in light of cities’ governmental immunity.</p> <p>The legal risks and potential liability of municipalities in natural disasters; from floods to freezes, and what the governor has to say about it. Significant natural disasters affecting the State of Texas over the past several years have highlighted the legal risks cities may face based on their response to the disaster, from taking-by-flood claims to multi-billion-dollar lawsuits alleging property damage and personal injury arising from the power outages during Winter Storm Uri, with recent appellate decisions helping to define the</p>

	<p>circumstances and limitations of such risks. Additionally, a 2023 Supreme Court of Texas opinion established limits on a city’s power to address natural disasters in light of the governor’s parallel authority to manage disasters. This presentation offers guidance for municipal disaster planning and response in light of these risks and limitations.</p> <p>Validation of municipal bonds/debt: Chapter 1202, Chapter 1205, and the advantages and pitfalls to both processes. Legal challenges to publicly financed projects are a risk faced by any entity issuing public debt, and the landscape for obtaining validation of public debt to avoid or defeat those challenges has changed, both at the Attorney General’s office and in the courthouse. Those changes present uncertainty and risk to large and expensive public projects. Planning ahead can help cities issue debt and pursue projects the right way, to both serve their constituents and avoid costly and risky legal challenges.</p> <p>Appealing Developments: A Look at Texas’s New 15th Court of Appeals. The 88th Legislative Session saw the creation of a new appellate court in Texas—the Fifteenth Court of Appeals. The Fifteenth Court of Appeals will have exclusive intermediate jurisdiction to hear appeals from the new business courts (more changes to the Texas judiciary scene), but importantly will have exclusive intermediate jurisdiction over appeals involving the State of Texas or appeals of matters brought by or against a state agency, board or commission, or an officer or employee of a state agency, board, or commission—a big change for administrative appeals. This presentation offers insight into the shift from the Third Court of Appeals for administrative appeals, appointment of the initial bench and future state-wide elections, case load, precedent, new rules, and other logistics for the court which opens its doors on September 1, 2024.</p>
<p>Vanessa A. Gonzalez, Bickerstaff Heath Delgado Acosta LLP</p>	<p>Employment Law Update. 2024 FLSA updates on exempt employees; 2024 DOL Guidance updates on classification for independent contractors; 2024 FTC updates on noncompete agreements; 2024 EEOC Harassment Guidance Updates; and 2024 DOL Guidance Pregnant Workers Fairness Act.</p>

<p>Gregory D. Miller, Bickerstaff Heath Delgado Acosta LLP</p>	<p>Public Facility Corporations. Overview of Public Facility Corporations with particular emphasis on multifamily housing developments</p>
<p>Brandon Davis, Olson & Olson LLP</p>	<p>Ethics Presentation. An ethics presentation showing a comprehensive list of all the reasons why council members, city employees, and city attorneys can get arrested. This would obviously include open meetings, pia, conflicts of interest, official oppression, using government resources to campaign and many other things.</p>

TAB

9

CONSTITUTION

TEXAS CITY ATTORNEYS ASSOCIATION

(Adopted at the Annual Meeting of the Texas City Attorneys Association in San Antonio, Texas on the 31st day of October, 1961, with Amendments of 1965, 1968, 1970, 1991, 1994, 1999, 2010, 2015, 2016, and 2023.)

ARTICLE I. NAME AND AFFILIATION.

Section 1. The name of this organization shall be the Texas City Attorneys Association.

Section 2. The association shall be affiliated with and be a department of the Texas Municipal League and its principal office shall be located at the headquarters of the Texas Municipal League in Austin, Travis County, Texas.

ARTICLE II. PURPOSE.

Section 1. The purpose of this association shall be the general improvement of municipal law administration by the following means: (1) to encourage the cooperation of city attorneys in the practical study of all municipal legal problems; (2) the holding of annual and semi-annual meetings for the discussion of legal and other questions affecting municipal government; (3) to encourage the practical study of legislation, court decisions, and administrative rulings relating to the public interest of municipal corporations; and (4) to offer quality continuing legal education opportunities for those engaged in the practice of municipal law.

ARTICLE III. MEMBERSHIP.

Section 1. The members of this association shall be active, associate, honorary, paralegal and law clerk (student).

Section 2. Active Members - Any person duly licensed to practice law in this State who has been duly elected or appointed to the office of city attorney or assistant city attorney of a municipality which is an active member of the Texas Municipal League shall be eligible for membership in the association.

Section 3. Associate Members - Any person duly licensed to practice law in this State who is interested in the representation of municipalities and the general improvement of municipal law practice and the purpose of the Texas City Attorneys Association. The officers of the association must approve a

person's initial application for associate membership and continued eligibility.

Section 4. Honorary Members - Honorary members shall be chosen because of distinguished service in the field of municipal law. They shall pay no dues, hold no office, nor vote, and no person who is eligible for active membership in the association shall be chosen as an honorary member. They shall be proposed by at least five active members and shall be elected only upon unanimous recommendation of the executive committee and a majority vote of the members present at any annual or semi-annual meeting of the association. An election of an honorary member shall be cancelled if not accepted within six months after the candidate has received notice of the member's election.

Section 5. Paralegal Members - Any person who meets the definition of "paralegal" as promulgated by the State Bar of Texas, who is employed by an active, associate, or honorary member, and who is interested in the representation of municipalities and the general improvement of municipal law practice and the purpose of the Texas City Attorneys Association.

Section 6. Law Clerk (Student) Members - Any person who is enrolled at an accredited law school who is interested in the representation of municipalities and the general improvement of municipal law practice and the purpose of the Texas City Attorneys Association.

ARTICLE IV. **OFFICERS AND EXECUTIVE COMMITTEE.**

Section 1. The officers of the association shall be a President, a 1st Vice President, a 2nd Vice President, a Recorder, a Director to serve on the Texas Municipal League Executive Board, the Immediate Past President, and five Directors. All officers shall be active members of the association. The General Counsel of the Texas Municipal League shall serve as General Counsel, ex officio, of the association.

Section 2. The executive committee of the association shall be composed of the officers of the association.

Section 3. Nomination and Election. The President shall appoint a nominating committee of at least three members. No later than 24 hours before the annual meeting, the nominating committee shall inform the President of the nominees. In making its recommendation of nominees, the committee shall

consider the value of diversity and inclusion in the leadership of the association. The association is dedicated to providing opportunity to all people regardless of race, ethnicity, religion, gender, sexual orientation, gender identity, age, disability, veteran status, geographic location, or kind of employer (governmental entity or private law firm).

At the annual meeting of the association, the nominating committee shall submit nominees for association officers. Additional nominations may be made from the floor. Each of the offices shall be filled by a majority vote of the membership present and voting. When determined necessary by the executive committee, members will be presented with the nominees and may vote by means of any remote communication that sufficiently identifies the member. In the event of an election by remote communication, additional nominations may occur as write-in candidates and votes submitted on those candidates, provided the candidates have filed an application with the proper person in accordance with established deadlines adopted by the executive committee. In case of a tie vote, the office will be determined by lot. In the instance of voting by remote communication, the vote will be tallied and ratified at a meeting of the executive committee.

The association officers shall begin their regular term of office at the close of the annual meeting. In the event of voting by remote communication, the association officers shall begin their regular term of office at the close of the meeting of the executive committee where votes are tallied and ratified.

Section 4. Term of Office. All officers' terms shall be for one year with the exception of the Director to the Executive Board of the Texas Municipal League, whose term of office shall be for two years, the director being elected in even years or as otherwise provided by the Constitution of the Texas Municipal League.

Section 5. Vacancy. A vacancy in the executive committee shall occur upon:

1. The end of a term of office;
2. Death;
3. Loss of licensure to practice law in the State;
4. No longer serving as a duly elected or appointed city attorney or assistant city attorney of a city, town or village, which is an active member of the Texas Municipal League (hereafter referred to as a "qualifying position"), except that, upon the approval of the executive

committee, an officer intending to obtain another qualifying position and maintaining an associate membership may continue to serve as an officer through the later of: (a) end of the officer's term; or (b) three months after the end of the initial qualifying position; or

5. Resignation.

A vacancy in the office of the President shall be filled for the remainder of the term by the succession of the First Vice President to that office. A vacancy in the office of the First Vice President shall be filled for the remainder of the term by succession of the Second Vice President. A vacancy in the office of the Second Vice President shall be filled for the remainder of the term by the appointment of a member of the executive committee to fill such office by a majority vote of the remaining members of said executive committee. A vacancy in the Office of Director to serve on the Texas Municipal League Executive Board shall be filled by the President of the Association and shall hold office until adjournment of the next TML Annual Conference.

A vacancy in any of the other offices of the association shall be filled by the election of any active member or associate member if the person vacating the office is an associate member to fill such office for the remainder of the term by a majority vote of the executive committee.

Section 6.

Telephonic and Electronic Communication. Any and all officers and Texas Municipal League staff may participate in a meeting of the executive committee by means of conference telephone, or by any other means of communication by which all officers participating in the meeting are able to hear each other at the same time. Such participation shall constitute the presence in person by such officers at such meeting. A written record shall be made of all actions taken at any meeting conducted by means of a conference telephone or other means of communication. Officers may also meet and vote via electronic means such as email so long as the identity of each officer is made clear in the means of voting.

ARTICLE V.

MEETINGS.

Section 1.

An annual meeting of the association shall be held, when practicable, at the time and place of the annual conference of the Texas Municipal League, and a semi-annual meeting of the association shall be held in the summer of each year as may be determined by the executive committee. Meetings shall be held in person, or by means of or in combination with, a conference

telephone or similar communications equipment, another suitable electronic communication system, including videoconferencing technology or the Internet, if each person participating in the meeting can communicate with all other persons participating in the meeting.

ARTICLE VI. **DUES.**

Section 1. The dues of each active, associate, paralegal, and law clerk member of the association shall be payable annually in advance, and may be changed upon recommendation of the executive committee and approved by a majority vote of the members present at any annual or semi-annual meeting.

ARTICLE VII. **FINANCES.**

Section 1. The General Counsel of the Texas Municipal League shall transact the necessary financial business of the association, keeping a complete record of all transactions, which shall be submitted for auditing at the annual meeting of the association. He shall give bond in such form and amount as may be determined by the executive committee, the premium of said bond to be payable by the association.

ARTICLE VIII. **COMMITTEES.**

Section 1. **Amicus Curiae Committee.** Each year at the annual meeting of the Texas City Attorneys Association, the incoming President shall appoint a committee of three officers, as a review committee to provide guidance to the General Counsel of the Texas Municipal League relating to authorizing the preparing and filing Amicus Curiae briefs on behalf and in the name of the association in those cases the committee deems of general importance in the field of municipal law or liability.

Section 2. **Ad Hoc Committees.** The President may appoint Ad Hoc committees as the President deems necessary to make recommendations to the executive committee. Once the Ad Hoc Committee has accomplished its stated purpose, it shall cease to function.

ARTICLE IX. **REGIONAL ORGANIZATIONS.**

Section 1. The executive committee of the association shall have the power by by- laws to divide the State into Regions, to create and abolish Regions and regional organizations, to increase or decrease the number of Regions, to define the boundaries thereof and from time to time to change the same, and to prescribe

the organization and officers of the Regions. Such regional organization, when so constituted, shall hold one or more regional meetings each year at such times and places as not to conflict with the annual meeting or semi-annual meeting of the association, in order to encourage fellowship among the members and to promote the study of municipal law.

Section 2. At any time when there is no regional organization within any area of the State, members of the association in such area located in one or more counties, may organize local clubs or societies, elect their own officers, and hold such meetings as they desire at such times and places as not to conflict with the annual meeting or the semi-annual meeting of the association. Upon creation of regions by the executive committee, local clubs or societies of members of the association organized under this Section shall be dissolved, and shall be merged into the regional organization of the Region in which they may be located.

Section 3. At any time after the creation of Regions and regional organizations within the State, when it becomes apparent to the executive committee that there is not sufficient interest to justify continuance of regional organizations, the executive committee may amend or repeal the by-law creating the Regions and regional organizations.

ARTICLE X. AMENDMENTS.

Section 1. This Constitution may be amended at an annual or semi-annual meeting of the association by a majority vote of the members present and voting, or by means of mail or electronic ballot by a majority vote of the members who voted on the amendment, provided the proposed amendment shall have first been prepared in writing and submitted to the executive committee on or before the day of the annual or semi-annual meeting.

ARTICLE XI. BY-LAWS.

Section 1. The executive committee of the association shall have the power to adopt by-laws, consistent with this Constitution and the League Constitution, governing the conduct of its meeting and the business of the association.

ARTICLE XII. **EFFECTIVE DATE.**

Section 1. This Constitution shall become effective immediately upon its adoption subject only to ratification by the Executive Board of the Texas Municipal League.

(Constitution of the Texas City Attorneys Association was approved by the Board of Directors of the Texas Municipal League on January 26, 1962.)

(All subsequent amendments to the Constitution of the Texas City Attorneys Association have been approved by the Texas Municipal League.)

TAB

10

STANDARDS FOR CERTIFICATION IN MUNICIPAL LAW

Pursuant to the authority vested in the Texas City Attorneys Association Board of Directors ("Board"), the Board prescribes the following standards and requirements for Merit certification in Municipal law. The Board hereby reserves the right to be the final arbiter with regard to the interpretation and/or application of any of the standards and requirements adopted. The Board also reserves the right to add, delete and/or modify any of the requirements at any time. If you have any questions, please feel free to contact [Scott HoustonAmber](mailto:Scott.HoustonAmber@tml.org) [McKeon-Mueller](mailto:McKeon-Mueller@tml.org) at (512) 231-7400 or shoustonamber@tml.org.

I. GENERAL REQUIREMENTS AND DEFINITIONS

A. No standard shall in any way limit the right of an attorney who has obtained merit certification in municipal law to practice in all fields of law. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in all fields of law even though recognized in municipal law.

B. No lawyer shall be required to obtain a merit certification in municipal law before practicing in the field of municipal law. Any lawyer, alone or in association with any other lawyer, shall have the right to practice in the field of municipal law, even though not having merit certification in municipal law.

C. All applicants for certification or recertification in municipal law shall be active members in good standing of the State Bar of Texas, the Texas City Attorneys Association, and shall meet the requirements for certification or recertification prescribed by the Board.

D. Forms involved in the certification process, as well as fees required of an application for certification or recertification in municipal law shall be as approved by the Board.

E. Certification shall be valid for a period of five (5) years, at the end of which time recertification shall be permitted upon the terms and conditions established by this policy.

II. MINIMUM STANDARDS FOR INDIVIDUAL INITIAL CERTIFICATION

A. REQUIRED PERIOD OF LAW PRACTICE

1. Applicant must show that during each of the two (2) years immediately preceding application they have been employed on a full-time basis by a municipality engaged in the practice of Municipal Law. Practice of Municipal law is defined as:

- a. Service as a city Attorney
 - b. Service as a full-time assistant city attorney; or
 - c. Service as a full-time municipal court prosecutor
2. In order to apply for certification, the following sponsorship must be made:
- a. A City Attorney must be sponsored by another Texas city attorney who is a current TCAA member. [Sponsorship is demonstrated by a letter of recommendation.](#)
 - b. The assistant city attorney and municipal court prosecutor must be sponsored by their city attorney. -The city attorney must be a current member of TCAA. [Sponsorship is demonstrated by a letter of recommendation.](#)

B. TYPES OF CERTIFICATION

1. Applicants shall be eligible to apply for certification in one or more of the following areas:
- a. Municipal Court Prosecutor Certification
 - b. Municipal Law Civil Certification

C. PROOF OF SUBSTANTIAL INVOLVEMENT

Applicants must show substantial involvement in municipal law by providing such information as may be required by the Board. This may include writing samples, evidence of work and/or representation by a supervisor of the work accomplished.

In addition to any Board requirements, the following minimum requirements must be met for each certification designation:

- a. For municipal court prosecutor certification, applicant must have tried a minimum of eighty (80) bench trials and twenty (20) jury trials as lead counsel in the preceding two years;
- b. For municipal civil law certification, one or more of the following must have been met in the preceding two years:
 - (1) Served a minimum of one (1) year as a legal advisor to a final decision making board, i.e. Board of Adjustment, Building Standards Commission, etc.
 - (2) Represented the city in an administrative hearing before an independent agency or arbitrator.
 - (3) Civil trial experience with actual case assignment as first chair.
 - (4) Regulatory ordinance drafting.
 - (5) Significant research on issues of municipal concern.

D. EDUCATIONAL EXPERIENCE

Applicants must demonstrate participation in a minimum of ten (10) hours of continuing legal education in Municipal law within the two (2) years immediately preceding application ~~or by December 31st of the year in which application is made~~ by either:

1. Attendance at and completion of programs of study in municipal law. Examples include attendance at TCAA meetings, Riley Fletcher Municipal Nuts and Bolts seminar, condemnation and land use law, personnel, federal and/or state litigation practice seminars, environmental law, etc.; or,
2. Such other educational experience as the Board shall approve.

E. PAYMENT OF FEES

No certification or recertification shall be issued until the applicant has paid the fees as established by the Board, including but not limited to the filing fee and certification fees.

F. FAILURE TO FURNISH INFORMATION: MISREPRESENTATION

Certification or recertification may be denied because of an applicant's failure to furnish the required information or misrepresentation of any material fact requested by the Board; failure to pay fees as required.

III. RECERTIFICATION

A. FILING FOR RECERTIFICATION

Application for recertification must be made by the filing deadline established by the Board. Certification expires on December 31st of the fifth year the certification was issued.

B. STANDARDS FOR RECERTIFICATION

1. Applicants shall be in good standing with the State Bar of Texas.
2. Applicants must demonstrate their continuing substantial involvement and special competence in the practice of municipal law within the preceding five (5) year period of certification, as follows:
 - a. Applicants must show that during each of the five (5) year periods, they have been employed on a full-time basis by a municipality in one of the following capacities – Assistant City Attorney or Municipal Court Prosecutor – and the city attorney must recommend their recertification. For city attorneys, recertification must be recommended by another city attorney who is a member of the Texas City Attorneys Association.

- b. Applicants must provide such information as may be required by the Board to demonstrate their Municipal law experience.
- c. Applicants must demonstrate participation in a minimum of ten (10) hours of continuing legal education in Municipal law subjects sponsored by the Board as described in D (above) in the two (2) years immediately preceding the application for recertification.

IV. CERTIFICATION OF LEGAL OFFICE

Pursuant to the authority vested in the Texas City Attorneys Association Board of Directors ("Board"), the Board prescribes the following standards and requirements for Board certification of a city attorney's office in municipal law.

A. GENERAL REQUIREMENTS

1. Required Period of Law Practice

One of the following must be met for a legal office to apply for certification:

All attorneys in the office must have been engaged in the practice of municipal law for at least an average of two (2) years; or,

At least seventy-five percent of the attorneys in the office are eligible for individual municipal certification as demonstrated by a statement of the city attorney.

B. TEXAS CITY ATTORNEYS ASSOCIATION MEMBERSHIP

All attorneys employed on a full-time basis by the office must be members of the Texas City Attorneys Association.

C. EDUCATIONAL REQUIREMENTS

- 1. Each attorney employed on a full-time basis by the office shall have participated in a minimum of ten (10) hours of continuing legal education in municipal law within the three (3) years immediately preceding application ~~or by December 31st of the year in which application is made.~~
- 2. The requirements for municipal law education may be satisfied by:
 - a. Attendance at and completion of programs of study in Municipal law, sponsored by the Board; and/or
 - b. Such other educational experience as the Board shall approve.
 - c. Examples of Municipal law education are the same as Article II, D (above).
- 3. Office Certification is valid for a period of five (5) years.

V. NO EVIDENCE OF LEGAL SPECIALIZATION

Certification of an individual or legal office is recognition by the Board of substantial involvement in the practice of municipal law. Certification of an individual or legal office shall not be construed nor represented to be TCAA Board recognition of special competence to practice Municipal law or the certification of an individual by the TCAA Board is not to be construed as a representation by the TCAA Board that the individual has any special training or expertise in the field of municipal law or any other field of law, nor shall the person or office holding a certificate represent that they are “board certified” as that term is used by the Texas Board of Legal Specialization.

TAB

11

PRIVACY POLICY

INTRODUCTION

The Texas Municipal League (TML) respects the privacy of our members. Contact information is gathered by TML in order to provide the best service possible to our members.

HOW WE PROTECT DATA

TML has reasonable administrative, technical, and physical safeguards in place to help prevent unauthorized access, maintain data security, and correctly use the information TML collects from and about our members. However, no system is completely secure and TML cannot guarantee that member data will be immune from malicious attack, compromise, or unauthorized disclosures.

Website users are encouraged to download the latest version of their preferred browser, including all patches, to ensure that it has the latest security features.

Although TML takes reasonable measures to safeguard against unauthorized disclosures of information, TML cannot assure that your personal data or other information will never be disclosed in a manner that is inconsistent with this policy.

This privacy policy does not apply to third party companies, individuals, affiliations, or organizations (each a “third party” and collectively “third parties”), which may have their own privacy policies or notices that you should review to understand how they may use or disclose your data. TML is not responsible for the content or privacy practices of any third party that we do not control.

MEMBERSHIP DATA WE COLLECT

TML collects membership data that can include any information related to helping identify a member city or individual. This includes:

Cities:

- City name
- Region
- County

- Population
- Government type
- Civil service status
- Year incorporated
- Fiscal year start
- Council meeting date
- Address
- Phone
- Website
- Government officials

Individuals:

- Name
- Title/Position
- Phone
- Address
- Email address
- Gender
- Race/Ethnicity

HOW WE COLLECT DATA

TML can collect membership data through multiple methods, including:

- Membership application
- Membership surveys
- Phone or email
- Event registrations
- Membership renewal
- Continuing education credit application

HOW WE USE THE DATA WE COLLECT

Select membership data for member cities and individuals is used in a variety of ways by TML to provide services and communications to our members, including but not limited to:

- TML Texas City Officials Directory
- TML Exchange
- TML Connect News
- *Texas Town & City* magazine
- Surveys

- Legal and legislative updates
- Events and trainings
- Membership renewal

HOW/WHEN DATA IS SHARED WITH THIRD PARTIES

On occasion, and only when appropriate, TML, in its sole discretion, will share select member data with third parties and partners, including:

- Texas Intergovernmental Risk Pool
- Texas Municipal League Health Pool
- TML member city officials
- National League of Cities
- Federal and state government officials and agencies
- Member city youth advisory commissions
- TML affiliate organizations
- TML event speakers

On a limited basis, select member information may be shared with the private sector when the communication is deemed relevant by TML to a specific membership segment or need. Private sector communications through TML are closely reviewed and take place only under [strict usage guidelines and policies](#) for preventing spam and misuse.

Members should contact TML if they have any concerns about data-abuse by a third party.

TML members can opt-out of data sharing with all third parties by contacting TML at database@tml.org.

HOW TO MANAGE AND EDIT YOUR DATA

TML members can review, update, and remove their information through their online TML account, or by contacting us using the contact information below. TML may decide to delete your data if we determine that it is incorrect, incomplete, or if its storage is no longer necessary.

If you have questions or concerns, or if you would like to edit your data, please contact TML at:

Texas Municipal League
1821 Rutherford Lane, Suite 400
Austin, TX 78723
Phone: (512) 231-7400
Email: database@tml.org

LINKS TO OTHER WEBSITES

The TML website contains many links to other websites. TML is not responsible for the privacy practices or the content of such websites. Links found on the TML website are for informational purposes only and are not considered to be endorsements or advertisements.

WEBSITE USAGE TRACKING

The TML website uses a third party to collect data from users who are browsing the tml.org website. The third party collects IP addresses and uses them to track pages visited, duration of visit, location (city/state/country), device, operating system, browser, and browser language. The data is valuable to TML for various internal purposes, including troubleshooting and improvements to the tml.org website.

The third party does not track individual user identities or any browsing activity outside of the tml.org website.

OPTING OUT OF TML COMMUNICATIONS

Members have a number of choices for opting out of TML communications:

- TML membership communications emails will include an opt out link. If a member recipient chooses to opt out via this link, they will be removed from ALL TML communications.
- A recipient may instead choose to reply to the specific email asking to opt out and be removed from communications about a particular topic/service.
- For additional options, or to opt back into communications, recipients can contact database@tml.org.

MODIFICATIONS OR CHANGES TO THIS POLICY

Please note that this policy may change from time to time. In the event of a material change to this privacy policy, a notice will be posted on the TML homepage, as well as this page. Each new version of this policy will be identified by its effective date.

This updated Privacy Policy is effective as of October 5, 2021.

TAB

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TAB

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