

**OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
Laredo, Texas
September 22, 2000**

The Board of Directors of the State Bar of Texas met in regular session on September 22, 2000 at the La Posada Hotel in Laredo, Texas. The meeting was called to order by Chair Richard Miller, and the roll was called by Executive Director Antonio Alvarado. Board members and liaisons having excused absences from the meeting were Joseph Casseb, Amy Halevy, and Jerry Selinger. Past President David Keltner delivered the invocation and State Representative Henry Cuellar welcomed the Board to Laredo.

1. ITEMS FROM THE CHAIR OF THE BOARD

A. General Report

Chair Richard Miller presented Board member Andrew Hanen and Court of Criminal Appeals Liaison Judge Sharon Keller the customary gifts they had not received at the Directors Dinner at the June annual meeting.

B. Approval of Items on the Consent Agenda

Subject to the condition that section chairs meet with General Counsel Shelby Rogers to resolve some technical inconsistencies in the bylaw amendments, Gary Reeves moved that the following items on the Consent Agenda be approved or ratified. Seconded by Molly Steele. Motion passed.

- 1) **Approved Minutes of Board meeting conducted on *June 21, 2000***
- 2) **Approved action taken by the Executive Committee at the meeting(s) conducted on:**
 - a) ***August 3, 2000:* Minutes of the June 12, 2000 Executive Committee meeting; other items taken under separate BOD reports**
 - b) ***September 7, 2000:* Minutes of the August 3, 2000 Executive Committee meeting; other items taken under separate BOD reports**
- 3) **Approved appointments by President Liberato to the following:**
 - a) **Delegates and alternates to the 2001 Fifth Circuit Judicial Conference:**

<u>Delegates</u>	<u>Alternates</u>	<u>Others:</u>
Charles F. Aycock	Richard Pena	Lynne Liberato
David E. Keltner	Elizabeth D. Whitaker	Broadus A. Spivey
Melody M. Wilkinson	Amos L. Mazzant	Antonio Alvarado
 - b) **Section Coordination Committee, for two year terms expiring June 2003:**

Patrick Mahoney (Houston)
Ruth Soucy (Austin)
 - c) **2000-2001 Special Committee to Nominate ABA Delegates:**
Charles F. Aycock, Chair

(by Pres. Liberato)

Darrell E. Jordan (Dallas)

Harriet Miers (Dallas)

M. Colleen McHugh (Corpus Christi)

Richard Pena (Austin)

(by Chair Miller)

David Evans (Ft. Worth)

Guy N. Harrison (Longview)

JoAnn Merica (Austin)

Elizabeth D. Whitaker (Dallas)

- d) **Texas Legal Services Center - reappointments:**
- 1) **for three-year terms effective January 1, 2001 through December 31, 2003**
- Timothy W. Floyd (Lubbock)
John R. Jones (El Paso)
- 2) **for two-year terms effective January 1, 2001 through December 31, 2002**
- Mario M. Lewis (El Paso)
- e) **Texas Real Estate Broker-Lawyer Committee, to complete unexpired term of C. Tom Reese, through August 31, 2005:**
- Dawn K. Enoch Moore (Dallas)
- f) **Texas Rural Legal Aid, for two-year terms effective January 1, 2001 through December 31, 2002:**
- Ernesto Dominguez (McAllen)
Viviana S. Patino (El Paso)
Roger Reed (McAllen)
Harlow Sprouse (Amarillo)
- 4) **Approved the purpose clause for the newly created Board Technology Oversight Committee and inclusion in the Board Policy manual, Appendix E, #16:**
- This committee will oversee the State Bar's Business Technology Plan, provide oversight for the Bar's technology-related initiatives and issues, and approve expenditures as authorized by the State Bar Board of Directors.**
- 5) **Approved revised purpose clause for the Lawyer Referral and Information Committee:**
- Revised purpose clause:* "This committee directs the development and practices of the statewide lawyer referral service certification and regulation process. This committee works in cooperation with metropolitan lawyer referral services in facilitating referrals of individuals to attorney members. The committee provides individuals access to legal representation and support service including legal services coordinated by the State Bar of Texas."**
- 6) **Approved the combining of the Federal Judiciary Relations Committee and State Judiciary Relations Committee:**
- New name:* Judiciary Relations Committee**
***New purpose clause:* "To identify and implement ways for the Bar to assist the Federal Courts and State Courts in addressing problems and challenges facing**

the judiciary operating in Texas and to increase opportunities for positive interaction between the judiciary and Texas lawyers.”

- 7) Approved bylaw amendments for the following sections and divisions, subject to consultation between General Counsel Shelby Rogers and section/division chairs to resolve some technical inconsistencies in order that the section bylaws will be in full compliance with the State Bar Act, Rules and Policy Manual:
- a) Appellate Section - Article IV, Section 5; Article V, Section 5; Article X, Sections 4-6. *(See Exhibit A.)*
 - b) Animal Law Section - Article II, Section 2, (a), (b); Article VII, Section(s) 1, 6; Article VIII, Section 3 *(See Exhibit B.)*
 - c) Asian Pacific Interest Section - Article III, Section(s) 1, 2, 3; Article IV, Section 1, Article V, Section(s) 2, 3, 4, 5, 6; Article VI, Section(s) 2, 3, 6, 7; Article VII, Section 2, Article VIII, Section 3, Article IX *(See Exhibit C.)*
 - d) Business Law Section - Article II, Section 1, Section 2; Article VI, Section 5; Article VII, Section 1, Section 2; Article VIII, Section 4a *(See Exhibit D.)*
 - e) Consumer Law Section - Article III, Section 2; Section 4 and to increase dues to \$25.00 annually, Article V, Section 4; Article VIII, Section 1 *(See Exhibit E.)*
 - f) Environmental and Natural Resources Law Section - Changes throughout: Article III, Section 3.2 (a), (b), (c), (d); 3.5, 3.6, (a), (c); 3.7, (a), (b), 3.8, (a), (b), 3.9, (a), (b), Article IV, Section 4.1, (a), (b), (c), Article V, Section 5.4, (a), (b), (c), (d), 5.5, (a), (b), (c), (d), (e), Article VII, Section 7.1, (a), (b), 7.2, (a), (b), Section 9.1(a), (b), (c), (d) *(See Exhibit F.)*
 - g) Family Law Section - Article III, Section 7; Article IV, Section 1 *(See Exhibit G.)*
 - h) Insurance Law Section - Article II, Section 1 *(See Exhibit H.)*
 - i) Juvenile Law Section - Article III, Section 2; Article IX, Section 3; Article X, Section 1 *(See Exhibit I.)*
 - j) Law Student Division - Changes throughout *(See Exhibit J.)*
 - k) Labor and Employment Law Section - Article VI, Section 6; terms of council *(See Exhibit K.)*
 - l) Military Law Section - Changes throughout *(See Exhibit L.)*
 - m) Real Estate, Probate & Trust Law Section - Changes throughout *(See Exhibit M.)*
 - n) Sexual Orientation and Gender Identification Issues Section - Resolution; Article II, Section 2, 2.1, 2.3; Section 3, 3.1, 3.4; Article VI, Section 6, 6.8 ; Article VIII, Section 8, 8.5 *(See Exhibit N.)*
 - o) Women and the Law Section - Article V, Section 6; Article VI, Section 7; & Notes, #5. *(See Exhibit O.)*
- 8) Approved resolution honoring deceased U.S. District Judge Joe J. Fisher (Beaumont) *(See Exhibit P.)*

C. Resolutions Passed at Annual Meeting

1) General Practice, Solo and Small Firm Section

Chair Miller stated that the resolution submitted by the General Practice, Solo and Small Firm Section encourages and directs the Bar to take some action, not viewed as enforcement, (a) to educate the public about the pitfalls of so-called simple and routine services from unauthorized persons providing those services, (b) to resist attempts to create new providers for legal services with less training than an attorney, (c) to expose racquets and scams that can cost

the public large sums of money, and (d) to educate the public about training attorneys must have before they practice law.

Daniel Hu moved that “ the Board refer the *resolution of the General Practice, Solo and Small Firm Section to the Strategic Planning Committee for further consideration.*” Motion was seconded by Andrea Pair Bryant. Motion passed. (See Exhibit Q.)

2) Women in the Profession Committee

Regarding the resolution submitted by the Women in the Profession Committee, Robert Jordan indicated that the Bar needs to make a statement to the general public and members of the profession that the Bar does not stand for lawyers having inappropriate relationships with clients.

Jordan moved that “the resolution adopted by the general assembly at the June 2000 annual meeting for the Bar to adopt a disciplinary rule prohibiting sexual relations between a lawyer and that lawyer’s client be referred to the Texas Disciplinary Rules of Professional Conduct Committee with instructions to draft a rule which comports with the resolution and is consistent in form with other rules and defines client; the Committee is to report to the Board at its January 2001 meeting, and subject to Board approval of the Committee’s proposed rule, be included with other matters in the next referendum held by the Bar.” The motion was seconded by Andrea Pair Bryant. Motion passed. (See Exhibit R.)

D. Solicitation of Candidates to Serve as Chair of the Board, 2001-2002

Chair Richard Miller announced that a second-year director (voting member) who desires to be nominated for the position of Chair of the Board for 2001-2002 must notify the Chair in writing before the January 19, 2001 Board meeting of his or her intention to seek that position. Candidates will be announced at the January meeting and the election will be held in an open session of the Board on April 20, 2001.

2. REPORT FROM THE PRESIDENT

A. General Report/Technology Initiatives

President Lynne Liberato presented an overview of the Bar’s technology initiatives, which are currently under way. Information included the difference between the Bar’s website which is dedicated to information for the public and the proposed portal reserved for lawyers and their staff members. The portal would offer free searchable case law and will be tested in November/December 2000 by about one-hundred lawyers and is expected to roll out in February/March 2001. President Liberato emphasized work toward the creation of strategic alliances between the Bar and providers who would be willing to supply free services in exchange for advertising. Roll out could take place with technology funding already allocated. President Liberato praised the Technology Advisory Committee, Board Technology Oversight Committee, Executive Committee, and staff for their efforts in the technology initiative.

Craig Ball, Chair of the Technology Advisory Committee, challenged the Bar to return value for dues by delivering the services members demand. The *Junior Partner* portal was demonstrated while Ball placed emphasis on how the Bar could supply tools, current information, training and support, and broadband access to lawyers across the state. Full and complete access to all cases beginning in 1950, Texas court rules, statutes, constitution, bill tracking information, briefs from important Texas cases, and reduced fee access would be available through *Junior Partner*.

PDP Chair Richard Orsinger reported on the role of PDP in the roll out, training, and support of *Junior Partner*. Roll out ideas included: use of State Bar and PDP website, inclusion in CLE courses thirty minutes or longer, display tables, *Bar Journal* special issue, direct mail, brochures, newsletters, seminar break videos, e-mails, and broadcast fax. Training suggestions included: CD-ROM training disk, videotapes, customized CLE workshops,

online tutorials and FAQ's, and online forums. Ongoing support may include telephone support, online FAQs, volunteers, and partner support.

B. Report on CLE

David Keltner presented an extensive report about the state of CLE finances, which included a review of ongoing, often escalating, costs and proposed projects that could supply new sources of revenue. Some of the new projects Keltner discussed were sponsorships in CLE courses, newly designed PDP website, satellite programs where benefits are shared and sold to other states, seminar developments, mega-course growth, telephone seminars, current Bar website refinements, and e-mail versions of *Civil* and *Criminal Digests*. Keltner closed by saying that there is a budget shortfall, but not a cause of concern.

C. UPL Task Force

President Liberato and Chair Miller addressed the findings of the UPL Task Force, which held a public hearing on August 2 regarding the proposed definition of the practice of law. The Task Force elected not to make a recommendation to the Legislature at this time, but will make a report to the Supreme Court. Objections were raised in three areas: allowing nonlawyers to prepare real estate documents, allowing nonlawyers to provide legal services to the poor, and "other" (example: giving opinion at social events constituting the practice of law).

3. REPORT FROM THE EXECUTIVE DIRECTOR

Executive Director Antonio Alvarado included updates on leases (Fort Worth, El Paso, Harlingen, and Books and Systems Department), security for the Texas Law Center through an insurance risk management review, upcoming technology survey for membership, litigation settlement authority in the amount of \$10,000 to General Counsel and Executive Director, space planning at Texas Law Center, Annual Meeting special revenue fund, budget process for 2001-2002, Keep Justice Alive, technology business plan, division realignment, staffing, Bar's fellows program, legislative initiatives and sunset review. A moment of silence was observed for former Executive Director H.C. Pittman and the families of Joseph Casseb and Bob Schuwerk. Alvarado referred Board members to the *SBOT Executive Reporter* for additional information.

4. REPORT FROM THE GENERAL COUNSEL

In the matter of the appeal in the *Washington Legal Foundation, et al., V. Texas Equal Access to Justice Foundation* case, General Counsel Shelby Rogers requested a motion to approve the signing of the legal services pro bono engagement letter with Vinson & Elkins. Motion was made by Charles Aycock and seconded by Molly Steele. Motion passed. Beverly Reeves, Charles Schwartz, and Gib Watson abstained from the vote.

5. REPORT FROM THE PRESIDENT ELECT

President-elect Broadus Spivey announced that the San Antonio Annual Meeting came in under budget and praised the staff for a job well done.

6. BOARD COMMITTEES

A. Administrative Oversight Committee

1) Establishment and Delegation of Settlement Authority

Administrative Oversight Committee Co-Chair Tom Carr moved that the Board grant litigation settlement authority to the General Counsel and Executive Director. Motion passed. Carr stated that the amount of the authority was a maximum of \$10,000.

2) Establishment of Sponsorship Policies and Procedures

Co-Chair Daniel Hu reported on efforts of the Administrative Oversight Committee to establish sponsorship policies and procedures that are simple, short, and easy to use. Input has been sought from sections which have requested an appeals process, and from different divisions.

Motion 1: Due to the PDP budget shortfall, Hu made the following motion: "PDP is authorized to proceed with a pilot sponsorship project to approach traditional law practice related vendors (not including law firms or lawyers) for sponsorship funds. This pilot project will be on an interim basis, subject to guidelines adopted by the Board Administrative Oversight Committee, and shall be ultimately superseded by any sponsorship policy adopted by the State Bar Board of Directors."

Motion 2: Luke Soules made a motion to table Hu's motion until further coordination regarding sponsorships takes place between the Administrative Oversight Committee and sections. Motion properly seconded. Motion failed.

Upon a call to vote, Hu's motion to authorize a pilot sponsorship project for PDP passed.

3) Executive Director Performance Goals

Co-Chair Tom Carr referred the Board to the proposed performance objectives for the Executive Director. Carr requested a correction to read as follows: "Financial performance and accountability including 3-5 years financial projections for the bar." Carr made a motion to accept the performance objectives. Seconded by Molly Steele, the motion passed. (See Exhibit S.)

B. Appeals-Grant Review Committee

Appeal-Grant Review Committee Chair T. Scott Smith made a motion to deny the certification appeal by **Allan L. Potter (Austin)**. Motion passed.

The Committee granted James D. Norvell's request of more time for his appeal.

Smith also reported that the Appeals-Grant Review Committee had approved submitting to the Texas Bar Foundation grant applications from: Disability Issues Video Project, ProBAR Immigrant Children's Assistance Project, and Do the Right Thing. (See Exhibit T.)

C. Audit and Finance Committee

1) General Report

Audit and Finance Committee Chair Neale Potts reported a \$124,728 shortfall from what was budgeted for the General Revenue Fund for the first quarter. Potts stated that PDP has a \$259,000 deficit for the same period. Executive Director Alvarado will work with division heads to develop cost cutting measures and to develop a plan to avoid overspending budget allocations. Division heads were requested to seek Board or Executive Committee approval before exceeding allocated funds.

2) Final Report, 1999-2000 Budget

Executive Director Alvarado reported that the 2000 Annual Meeting in San Antonio showed a profit, but there was a deficit in the Annual Meeting Special Fund from the previous annual meetings. Alvarado stated that auditors have agreed to let the Bar gradually erase the \$114,000 deficit in the Special Fund over a period of years. With 2001 Annual Meeting Chair Claude Ducloux, Alvarado plans to develop better budgeting and control for the June 2001 Austin meeting.

3) Update for 2000-2001 Budget

Executive Director Alvarado indicated that the budget process for 2001-2002 will commence in October. Both the committee and staff are looking at ways to meet the challenges in the budget process through contingency planning and development of a five-year forecast.

D. Facilities and Equipment Committee

Facilities and Equipment Committee Co-Chair Daniel Hu made a motion to delegate to the Facilities and Equipment Committee the authority to enter into leases for Fort Worth, El Paso, and Books and Systems and any necessary renovation contracts for the Books and Systems at the Texas Law Center subject to ratification by the Executive Committee for this Board. Motion passed.

Hu reported that the committee plans to draft a proposal for space planning at the Texas Law Center and to develop an action plan for security at the Law Center.

E. Legislative Policy Committee

Legislative Policy Committee Chair JoAl Cannon -Sheridan gave an overview of the process that was undertaken by the Legislative Policy Committee in reviewing each piece of proposed legislation, then presented the committee's recommendations regarding the State Bar's legislative package. **Cannon-Sheridan made a motion that the Board affirm "that the proposed legislation meets all criteria of Section 15.01.03 of the Policy Manual". Motion passed.** Following is the summary of actions taken by the Board:

Tab #	PROPOSALS	COMMITTEE RECOMMENDATIONS	BOARD ACTIONS
← BOARD PROPOSED (Tabs A&B)			
Charles Aycock			
A1	Government Code Proposed amendment to §81.101 Proposed amendment to §81.102 Proposed amendment to §81.107	<i>Withdrawn</i>	No action taken.
JoAl Cannon-Sheridan and Molly Steele (Tabs B2-B5)			

Tab #	PROPOSALS	COMMITTEE RECOMMENDATIONS	BOARD ACTIONS
B2	Relating to a repayment of certain education loans	Support* – State Bar (*with recommended changes)	Motion 1, Cannon-Sheridan: “As to all of the proposals by Molly Steele and Jo-Al Cannon-Sheridan, board members, regarding legal services to the poor behind tabs B2, B3, B4, and B5, it is the recommendation of the Legislative Policy Committee that the Board vote to support these items of legislation.” Motion passed. B2 Recommended change: include those who take jobs with legal service providers B3 Recommended change: allow legal service providers to access the state cooperative purchasing plan.
B3	Relating to the inclusion of certain entities in the state cooperative purchasing system	Support* – State Bar (*with recommended changes)	
B4	Consider seeking support to secure an appropriation from the Crime Victims Compensation Fund for grants to nonprofit organizations that provide civil legal services to poor crime victims	Support – State Bar	
B5	Secure general revenue appropriations to provide funding for legal services to poor crime victims	Support – State Bar	
♦ ALTERNATIVE DISPUTE RESOLUTION (Tabs 6-7)			
6	Relating to the amendment of certain provisions in the Civil Practice and Remedies code- §152.004(a)	Support – State Bar	Motion 2, Cannon-Sheridan: “On behalf of the Legislative Policy Committee, we move that the Board adopt and support those two items recommended by ADR Section.” Motion passed.
7	Relating to the amendment of certain provisions in the Civil Practice and Remedies code- §152.005(a)	Support – State Bar	
♦ FAMILY LAW (Tabs 8-13)			
8	Relating to the information required in pleadings under the Family Code	Support – State Bar	Motion 3, Cannon-Sheridan: “The Legislative Policy Committee recommends to the Board that the Board adopt all of the legislation proposed by the Family Law Section.” Motion passed.
9	Relating to the income withholding for the payment of spousal maintenance	Support – State Bar	
10	Relating to defining the parent-child relationship; child of assisted reproduction and judicial validation of gestational agreements and the rights and duties of parties to such agreements	Support – Family Law Section	
11	Relating to the exclusive right to determine the primary residence of the child and a child’s preference in suits affecting the parent child relationship	Support – State Bar	
12	Relating to modifications in suits affecting the parent child relationship	Support – State Bar	

Tab #	PROPOSALS	COMMITTEE RECOMMENDATIONS	BOARD ACTIONS
13	Relating to findings of fact and conclusions of law by a court in a suit for dissolution of marriage	Support – State Bar	
◆ INDIVIDUAL RIGHTS AND RESPONSIBILITIES (Tab 14)			
14	Relating to the standard of proof required in capital cases	Withdrawn	No action taken.
◆ REAL ESTATE, PROBATE AND TRUST LAW SECTION (Tabs 15-18)			
15	Relating to the recording of judgments and issuance of abstracts of judgment	Support* – State Bar (*with recommended changes)	Motion 8, Cannon-Sheridan: “We would as a committee recommend to the Board and ask the Board to vote to support those changes found behind Tabs 15 and 16 proposed by the Real Estate Trust and Probate Section.” Motion passed.
16	Relating to permitted homestead liens	Support* – State Bar (*with recommended changes)	
17	Probate Code		
	Proposed amendment to §59A-Contracts concerning succession	Neutral	Motion 4, Cannon-Sheridan: “It would be the Legislative Policy Committee’s recommendation that the Board support the proposed changes to that section contingent upon the section adding a new subsection C which should read ‘that nothing herein shall prohibit the enforcement of an otherwise enforceable contract’. Subject to that, we would ask that the Board support Section 59A with those changes.” Motion passed.
	Proposed amendment to §89A-Contents of application for probate of will as muniment of title	Support	
	Proposed amendment to §177-Distribution of powers among personal representatives and surviving spouse	Support	
	Proposed amendment to §313-Suit on rejected claim	Support	Motion 5, Cannon-Sheridan: “Section 89A, 177, 313 all have a recommendation by the committee that the Board vote to support those items by the Real Estate and Probate Section, so on behalf of the Committee, I would so move.” Motion passed.
	Proposed amendment to §485-Relation of attorney in fact or agent to court-appointed guardian	Neutral	
			Motion 6, Cannon-Sheridan: “It is the recommendation of the committee that this Board adopt and support the proposed amendment to Section 485, and on behalf of the committee, I would so move.” Motion passed.

Tab #	PROPOSALS	COMMITTEE RECOMMENDATIONS	BOARD ACTIONS
18	<p>Guardianship Code (Chapter XIII, Probate Code)</p> <p>Proposed amendment to §601-Definitions</p> <p>Proposed amendment to §665-Compensation of guardians and temporary guardians</p> <p>Proposed amendment to §676-Guardians of minors</p> <p>Proposed amendment to §677-Guardians of persons other than minors</p> <p>Proposed amendment to §677A-Written declarations by certain parents to appoint guardians for their children</p> <p>Proposed amendment to §745-Closing guardianships of the estate</p> <p>Proposed §760A-Change of resident agent</p> <p>Proposed §760B-Resignation of resident agent</p> <p>Proposed amendment to §761-Removal</p> <p>Proposed §865A-Inspection of certain instruments for estate planning purposes</p> <p>Proposed amendment to §875-Temporary guardian-Procedure</p> <p>Proposed amendment to §883-Incapacitated spouse</p> <p>Proposed amendment to §883A-Recovery of capacity</p> <p>Proposed §883B-Accounting, inventory, and appraisal by community administrator</p> <p>Proposed §883C-Removal of community administrator</p> <p>Proposed amendment to §884-Delivery to spouse</p> <p>Proposed §884A-Lawsuit information</p>	<p>Neutral</p> <p>Support</p> <p>Neutral</p> <p>Neutral</p> <p>Neutral</p> <p>Support</p> <p>Support</p> <p>Support</p> <p>Neutral</p> <p>Support</p> <p>Support</p> <p>Neutral</p> <p>Neutral</p> <p>Neutral</p> <p>Neutral</p> <p>Neutral</p>	<p>Motion 7, Cannon-Sheridan: "It would be the recommendation of the Committee that we should support those changes and amendments subject to the following changes which have been agreed to by the Real Estate and Probate Section. First, as far as Section 883 in the community administration proposals, that an ad litem shall be appointed in those circumstances, that the ad litem may demand an inventory and accounting, that the ad litem may determine whether that should be filed for unfilled, inventory could be either, and that the good cause requirement be retained. Furthermore, as to the designation of guardians, all statutes should be consistent, that if the designation of guardian is self-proved with two witnesses such as self-proved wills, that will be prima face evidence that that person is competent similar to self-proving wills, that this does not prohibit a person from having a holographic or nonself-proved designation of guardianship, but it must be proven up as other non-self proved documents and like the probate code would otherwise require and that they will draft a proof statute for those types of non-self proved and holographic type documents and designations of guardians. With those proposed changes which have been accepted by the Real Estate Trust and Probate Section, it will be the recommendation of the Legislative Policy Committee that this Board vote to support those sections and proposals by the Real Estate Trust and Probate Section." Motion passed.</p>

Tab #	PROPOSALS	COMMITTEE RECOMMENDATIONS	BOARD ACTIONS
	Proposed §891-893-Interstate guardianships	Support	

F. Legal Services Committee

Legal Services Committee Co-Chair Molly Steele stated the that Legal Services to the Poor Committee was prepared to send its proposed mission statement to the Policy Manual Committee. Dan Boulware indicated the reporting form and dues statement combination was no longer cost effective. The committee is studying a mandatory annual reporting form for pro bono and IOLTA due January 1 and a second dues statement sent May 1 annually. The two forms would actually save money. Supreme Court approval would be required before taking final action.

Co-Chair Molly Steele clarified items in the definition of Legal Services to the Poor. Discussion followed.

Motion 1:

Co-Chair JoAl Cannon-Sheridan moved that the Board support the resolution of the Legal Services to the Poor Committee's definition of legal services to the poor. Motion passed. (See Exhibit U.)

Motion 2:

Co-Chair Cannon-Sheridan moved that the Board adopt in concept and theory the funding of legal services to the poor through legislative means. Motion passed.

G. Nominations and Elections Committee

Nominations and Elections Chair David Keltner reported that the Nominations and Elections Committee is in the process of discussing several possible candidates for President-elect for 2001-2002. The committee is reviewing current campaign rules for candidates including mass mailings, use of websites, and the current prohibition on mailing to sections and others. Board members were urged to let Keltner know of desired changes to Board policy.

H. Policy Manual Committee

Motion 1: Regarding Chair of the Board campaign, Policy Manual Chair Claude Ducloux moved that Policy Manual changes to subsections 9.01.01, 9.01.02, and 9.01.03 be approved by the Board. Motion passed. (See Exhibit V.)

Motion 2: Regarding President-elect campaign, Chair Ducloux moved that Policy Manual changes to Section 9.05.04 B&E be approved by the Board. Much discussion ensued.

Motion 3: In light of discussions regarding Section 9.05.04, Chair Ducloux moved that Policy Manual change to Section 9.05.04, subsection B, be approved. Motion passed.

Motion 4: Gib Walton moved that Policy Manual changes for Section 9.05.04, subsection E, be amended to ask each potential nominee to submit a resume and a brief statement as to why he/she would like to serve as President of the State Bar. Motion withdrawn. Discussion suspended.

Motion 5: In the matter of Policy Manual Section 9.05.04, subsection E, dealing with what the Bar would ask a potential presidential nominee to submit, Chair Ducloux moved approval of this language: "As a part of the selection process, each potential nominee should be asked to submit a resume and a brief statement indicating the reasons for his/her interests in serving as president of the State Bar of Texas." Motion passed. (See Exhibit V.)

I. Strategic Planning Committee

Strategic Planning Committee Chair Claude Ducloux reported committee discussion of short-term issues including Board reorganization and sponsorships and long-term issues including reinventing the State Bar, preparing for sunset, and continuing technology opportunities. He reminded the Board that there are now seventeen Board committees and forty-five special or standing committees. The long-term goal is to reorganize the Board committees into five areas: administrative, financial, internal government, public service, and member services. Benefits of such action include: less travel, cost savings, developing expertise, better management, better information for the Board Chair and members. Ducloux emphasized the need for input from members and asked all Board members to send him three to five ideas that they would like to have addressed.

5. STATE BAR COMMITTEES, SECTIONS, DIVISIONS

Legal Services to the Poor in Criminal Matters Committee

Chair Miller reviewed previous action of the Board in regard to legal services to the poor and stated the need for Board members to have more time to study the "*Muting Gideon's Trumpet: The Crisis in Indigent Criminal Defense in Texas*" report. Miller recommended that Board members participate in the December 7-8 symposium in Austin co-sponsored by the Judicial Section, which will address many issues in this report.

Rick Trevathan moved that the report of the standing committee on Legal Services to the Poor in Criminal Matters be received by the Board of Directors of the State Bar of Texas and that the committee be charged with making recommendations to improve or reform the system of providing competent legal representation to indigent defendants in criminal cases with special emphasis in the following areas: (1) the qualifications an attorney should have in order to receive an appointment, (2) the method by which particular attorneys are selected to handle particular cases (3) how system should be funded and appointed attorneys compensated. Motion seconded by Charles Aycock. Motion passed. (See Exhibit W.)

6. OTHER REPORTS

A. Texas Young Lawyers Association

TYLA President-elect Amos Mazzant called attention to TYLA public service projects in the TYLA newsletter, the recent TYLA meeting in Frisco, and the success of TYLA in staying under budget last year and efforts to stay within the budget this year.

B. Commission for Lawyer Discipline

Commission Chair Robert Frost presented an overview of the Commission's activities including CAAP, new member grievance committee training, efforts to create a library for use of grievance systems across the state, the November 17, 2000 Grievance Symposium in Austin, pilot mediation program, and database efforts. Frost requested input from Board members on the grievance system and praised the guiding role of General Counsel Dawn Miller.

C. Texas Supreme Court Liaison

Justice Craig Enoch expressed disappointment over the Board's non-action on the UPL Task Force and highlighted other areas including the unauthorized practice of law, Justice Hankinson's taking over as liaison to the Texas Equal Access to Justice Foundation, Court interest on legal access to the poor, need for the community to participate in legal services for poor, and development of a short mission statement for the State Bar.

D. Section Representatives to the Board Committee

Section Representative Ralph Brock reported that the Council of Chairs is a good channel of communication between the Board and sections.

(TYLA President Melody Wilkinson arrived.)

There being no further business, the meeting adjourned at 3:15 PM.

EXHIBITS ATTACHED

EXHIBIT A:	Amendments to Bylaws: Appellate Section
EXHIBIT B:	Amendments to Bylaws: Animal Law Section
EXHIBIT C:	Amendments to Bylaws: Asian Pacific Islander Section
EXHIBIT D:	Amendments to Bylaws: Business Law Section
EXHIBIT E:	Amendments to Bylaws: Consumer Law Section
EXHIBIT F:	Amendments to Bylaws: Environmental and Natural Resources Law Section
EXHIBIT G:	Amendments to Bylaws: Family Law Section
EXHIBIT H:	Amendments to Bylaws: Insurance Law Section
EXHIBIT I:	Amendments to Bylaws: Juvenile Law Section
EXHIBIT J:	Amendments to Bylaws: Law Student Division
EXHIBIT K:	Amendments to Bylaws: Labor and Employment Law Section
EXHIBIT L:	Amendments to Bylaws: Military Law Section
EXHIBIT M:	Amendments to Bylaws: Real Estate, Probate & Trust Section
EXHIBIT N:	Amendments to Bylaws: Sexual Orientation and Gender Identification Issues Section
EXHIBIT O:	Amendments to Bylaws: Women and the Law Section
EXHIBIT P:	Resolution Honoring Judge Joe J. Fisher
EXHIBIT Q:	Resolution of the General Practice, Solo, and Small Firm Section
EXHIBIT R:	Resolution of Women in the Profession Committee
EXHIBIT S:	Executive Director Performance Goals
EXHIBIT T:	Grants Reported: Disability Issues Video Project, ProBAR Immigrant Children's Assistance Project, and Do the Right Thing
EXHIBIT U:	Resolution of the Legal Services to the Poor Committee
EXHIBIT V:	Board Policy: Revisions regarding Chair and President-elect Elections
EXHIBIT W:	"Muting Gideon's Trumpet: The Crisis in Indigent Criminal Defense in Texas"

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STATE BAR OF TEXAS 2000-2001 OFFICERS, DIRECTORS, LIAISON & EX-OFFICIO MEMBERS

OFFICERS

President	Lynne Liberato
President-elect	Broadus Spivey
Immediate Past President	Charles F. Aycock

EXECUTIVE COMMITTEE

Lynne Liberato	President
Broadus A. Spivey	President-elect
Charles F. Aycock	Immediate Past President
Richard T. Miller	Chair of the Board
David E. Keltner	Immed. Past Chair of the Board
JoAl Cannon-Sheridan	Elected Member
Claude E. Ducloux	Elected Member
Elsie L. Huang	Public Member
Elizabeth Lang-Miers	Elected Member
Vidal G. Martinez	Minority Member
Amos L. Mazzant	TYLA President-elect
Neale Potts	Elected Member
Gary Reaves	Elected Member
Molly Steele	Elected Member
Kent C. Sullivan	Elected Member
Raymond L. Thomas	TYLA Immed. Past President
D. Gibson Walton	Elected Member
Melody M. Wilkinson	TYLA President

EX-OFFICIO MEMBERS OF EXECUTIVE COMMITTEE

Antonio Alvarado	Executive Director
Shelby Rogers	General Counsel
Dawn Miller	Chief Disciplinary Counsel
Justice Craig T. Enoch	Texas Supreme Court Liaison

ELECTED DIRECTORS OF THE BOARD

Richard T. Miller, Chair of the Board

Blair A. Bisbey	Richard S. Hoffman	T. Scott Smith
Dan M. Boulware	Robert W. Jordan	Luther H. Soules III
JoAl Cannon-Sheridan	Elizabeth Lang-Miers	Sidney Stahl
Tom Carr	Robert L. LeBoeuf	Molly Steele
Joseph Casseb	John H. Miller	Kent C. Sullivan
Claude E. Ducloux	Neale Potts	Steve Suttle
Harper Estes	Gary Reaves	Richard Trevathan
Angel Z. Fraga	Beverly G. Reeves	D. Gibson Walton
Amy Karff Halevy	Charles W. Schwartz	Mark D. White
Andrew S. Hanen	Jerry R. Selinger	

MINORITY MEMBERS OF THE BOARD

Georgina M. Benavides	Andrea Pair Bryant	Daniel David Hu
	Vidal G. Martinez	

PUBLIC MEMBERS OF THE BOARD

George Edwards, Jr.	Elsie L. Huang	Phyllis S. Jones
John Stanley Mayfield	Mary Evans Sias, Ph.D.	David W. Stevens

TEXAS YOUNG LAWYERS ASSOCIATION

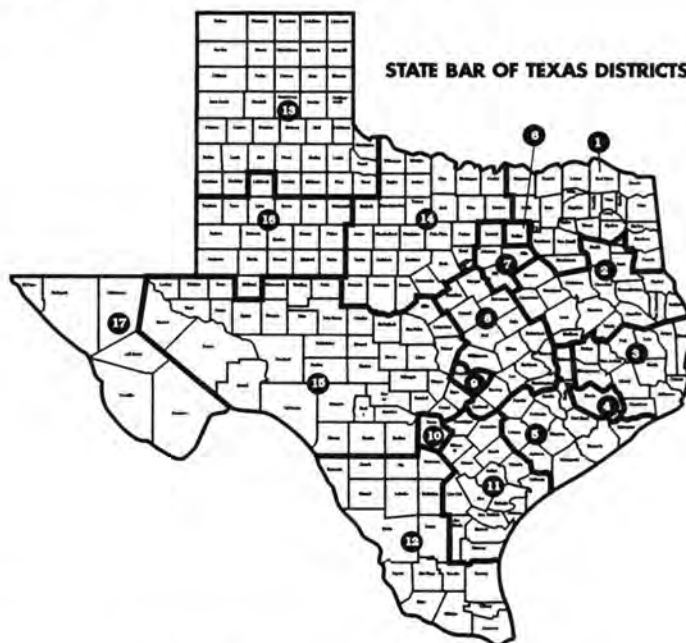
MEMBERS OF THE BOARD

Melody M. Wilkinson	President
Amos L. Mazzant	President-elect
Raymond L. Thomas	Immediate Past President

LIAISON MEMBERS TO THE BOARD

Justice Craig T. Enoch	Supreme Court Liaison
Judge Sharon Keller	Court of Criminal Appeals Liaison
Judge Ricardo H. Hinojosa	Federal Judicial Liaison
Judge Lamar McCorkle	Judicial Section Liaison
Turner W. Branch	Out-of-State Lawyer Liaison

STATE BAR OF TEXAS DISTRICTS



ELECTED DIRECTOR BAR DISTRICTS

STATE BAR OF TEXAS OFFICERS AND DIRECTORS

State Bar directors are elected from 17 districts apportioned by population. Six public members are appointed by the Supreme Court, three of which come from a list provided to the Court by the governor, with no two public members serving from the same district. Additionally, four minority directors with full voting privileges are appointed by the president. All directors serve staggered, three-year terms.

DISTRICT 1: T. Scott Smith, Sherman - 3rd year

Bowie, Camp, Cass, Collin, Delta, Fannin, Franklin, Grayson, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Panola, Rains, Red River, Rockwall, Titus, Upshur, Van Zandt and Wood Counties

DISTRICT 2: JoAl Cannon-Sheridan, Jacksonville - 3rd year

Anderson, Angelina, Cherokee, Freestone, Gregg, Houston, Leon, Limestone, Madison, Nacogdoches, Navarro, Rusk, Sabine, San Augustine, Shelby, Smith and Trinity Counties

DISTRICT 3: Blair A. Bisbey, Beaumont - 1st year

Chambers, Hardin, Jasper, Jefferson, Liberty, Montgomery, Newton, Orange, Polk, San Jacinto, Tyler and Walker Counties

DISTRICT 4: Angel Z. Fraga, Houston - 2nd year; Amy Karff Halevy, Houston - 2nd year; Andrew S. Hanen - 1st year, Houston; Charles W. Schwartz, Houston - 1st year; Kent C. Sullivan, Houston - 2nd year; Richard Trevathan, Houston - 3rd year; D. Gibson Walton, Houston - 2nd year
Harris County

DISTRICT 5: Robert E. LeBoeuf, Angleton - 1st year

Austin, Brazoria, Colorado, Fayette, Fort Bend, Galveston, Grimes, Jackson, Lavaca, Matagorda, Waller and Wharton Counties

DISTRICT 6: Robert W. Jordan, Dallas - 1st year; Elizabeth Lang-Miers, Dallas - 2nd year; Jerry R. Selinger, Dallas - 3rd year; Sidney Stahl, Dallas - 2nd year; Molly Steele, Dallas - 3rd year
Dallas County

STATE BAR OF TEXAS

EXHIBIT N



Sexual Orientation and Gender Identification Issues Section

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Tom Carr, Fort Worth

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July 3, 2000

Ms. Pat Hiller
State Bar of Texas
Post Office Box 12487
Austin, Texas 78711-2487

Dear Pat,

I enclose the bylaws amendments adopted at the section's June 23, 2000 annual meeting along with a redlined version of the complete bylaws. Additions to the bylaws are indicated by underlining; deletions are indicated by ~~[bracketing and striking out]~~. Please submit these items to the Board of Directors for consideration at its September 2000 meeting.

It was a pleasure to speak with you in San Antonio, and we appreciate you attending our section's annual meeting and CLE seminar.

Sincerely,

Charles Spain
Immediate Past Chair

enclosures

ccs: Ms. Phyllis R. Frye, section chair
Ms. Kathy Cásarez, SBOT section coordinator

Resolution

Resolved by the members of the Sexual Orientation and Gender Identification Issues Section of the State Bar of Texas,

SECTION 1. Section 2.1 of the bylaws of this section is amended to read as follows:

Section 2.1. Each member must pay annual dues of \$10.00. Each associate member who is also a member of the Law School Division of the State Bar of Texas must pay annual dues of \$5.00. Each associate member who is not also a member of the Law Student Division of the State Bar of Texas must pay annual dues of \$10.00. The council may authorize a waiver of the first year's dues for newly inducted members of the State Bar of Texas.

SECTION 2. Section 2.3 of the bylaws of this section is amended to read as follows:

Section 2.3 Any member of the Law Student Division of the State Bar of Texas or other person interested in the work of the section, on payment of the current year's dues, shall be enrolled as an associate member; thereafter, dues must be paid in advance each year. The words "member" and "membership," as used in these bylaws, do not include associate members unless otherwise specified. ~~[For good cause, the council may revoke the membership of an associate member who is not also a member of the Law Student Division of the State Bar of Texas.]~~ An associate member may not vote or serve as an officer, member of the council, or committee member.

SECTION 3. Section 3.1 of the bylaws of this section is amended to read as follows:

Section 3.1. The officers are the chair, vice-chair, secretary, and treasurer. ~~[The initial officers shall be:~~

Chair	Mitchell Katine
Vice-Chair	Anne M. Pike
Secretary	Charles A. Spain, Jr.
Treasurer	William R. Thompson H]

SECTION 4. Section 3.4 of the bylaws of this section is amended to read as follows:

Section 3.4. ~~[At the organizational meeting of the section, or if none is held, then at the first annual meeting, two members of the council shall be nominated and elected to serve for one year, and two for two years ("year," as herein used, means a term beginning at the close of the annual meeting at which the members of the council were elected and ending at the close of the first or second annual meeting, respectively), or until their successors have been elected and qualified. Thereafter, on the expiration of each of these initial terms, two]~~ Two members of the council shall be elected at each annual meeting for terms of two years beginning at the close of the annual meeting at which they were elected and ending at the close of the second succeeding annual meeting, or until their successors have been elected and qualified.

SECTION 5. Section 6.8 of the bylaws of this section is repealed as follows:

~~[Section 6.8. The initial members of the council shall be:~~

- | | |
|--------------------------------------|-----------------------------------|
| 1. Mitchell Katine | 5. Suzanne Bryant |
| 2. Anne M. Pike | 6. Matthew P. Eastus |
| 3. Charles A. Spain, Jr. | 7. Martha A. Fitzwater |
| 4. William R. Thompson II | 8. Connie Moore] |

SECTION 6. Section 8.5 of the bylaws of this section is added to read as follows:


Section 8.5. As required by Part VI. subsection 6.02.08 D of the State Bar of Texas Board policy manual. the provisions of Part VI. subsections 6.02.08 A, B, and C, and any future amendments. are adopted and attached to these bylaws as an appendix.

SECTION 7. Additions to the bylaws are indicated by underlining. Deletions are indicated by ~~[bracketing and striking out]~~.

Adopted on June 23, 2000, by a unanimous vote.


Chair

23 Jun 00
Date


Secretary

June 23, 2000
Date

BYLAWS OF THE SEXUAL ORIENTATION AND GENDER
IDENTIFICATION ISSUES SECTION OF THE STATE BAR OF TEXAS

ARTICLE I

Name and Purpose

Section 1.1. This section shall be known as the Sexual Orientation and Gender Identification Issues Section of the State Bar of Texas.

Section 1.2. The purpose of the section is to:

- (1) promote the study of gay, lesbian, bisexual, transgendered, and HIV law;
- (2) study and report on laws, decisions, and governmental regulations as they may affect the rights, responsibilities, and needs of gay, lesbian, bisexual, or transgendered identified people, as well as persons who are living with HIV;
- (3) provide a common meeting ground and forum for members of the profession interested in the legal problems of people who identify as gay, lesbian, bisexual, or transgendered, as well as people who are living with HIV; and
- (4) take action regarding these matters, subject to these bylaws and the laws, rules, and regulations of the State of Texas.

Section 1.3. No positions may be taken by the section or its membership in the name of the section that advocates or advances a political or social policy position.

ARTICLE II

Membership

Section 2.1. Each member must pay annual dues of \$10.00. Each associate member who is also a member of the Law School Division of the State Bar of Texas must pay annual dues of \$5.00. Each associate member who is not also a member of the Law Student Division of the State Bar of Texas must pay annual dues of \$10.00. The council may authorize a waiver of the first year's dues for newly inducted members of the State Bar of Texas.

Section 2.2. Any member of the State Bar of Texas, on payment of the current year's dues, shall be enrolled as a member of this section; thereafter, dues must be paid in advance each year.

Section 2.3 Any member of the Law Student Division of the State Bar of Texas or other person interested in the work of the section, on payment of the current year's dues, shall be enrolled as an associate member; thereafter, dues must be paid in advance each year. The words "member" and "membership," as used in these bylaws, do not include associate members unless otherwise specified. ~~[For good cause, the council may revoke the membership of an associate member who is not also a~~

~~member of the Law Student Division of the State Bar of Texas.]~~ An associate member may not vote or serve as an officer, member of the council, or committee member.

Section 2.4. Any member or associate member whose annual dues are more than six months past due ceases to be a member or associate member. Enrolled members whose dues have been paid pursuant to section 2.2 constitute the membership of the section.

ARTICLE III

Officers

Section 3.1. The officers are the chair, vice-chair, secretary, and treasurer. ~~[The initial officers shall be:~~

_____	Chair	_____	Mitchell Katine
_____	Vice-Chair	_____	Anne M. Pike
_____	Secretary	_____	Charles A. Spain, Jr.
_____	Treasurer	_____	William R. Thompson H]

Section 3.2. There shall be a council which shall consist of the chair, vice-chair, secretary, treasurer, and all former chairs, all of whom are ex officio members, together with four other members to be elected by the section as provided in these bylaws.

Section 3.3. The chair, vice-chair, secretary, and treasurer shall be elected at each annual meeting of the section, to hold office for a term beginning at the close of the annual meeting at which they were elected and ending at the close of the next annual meeting, or until their successors have been elected and qualified.

Section 3.4. ~~[At the organizational meeting of the section, or if none is held, then at the first annual meeting, two members of the council shall be nominated and elected to serve for one year, and two for two years ("year," as herein used, means a term beginning at the close of the annual meeting at which the members of the council were elected and ending at the close of the first or second annual meeting, respectively), or until their successors have been elected and qualified. Thereafter, on the expiration of each of these initial terms, two]~~ Two members of the council shall be elected at each annual meeting for terms of two years beginning at the close of the annual meeting at which they were elected and ending at the close of the second succeeding annual meeting, or until their successors have been elected and qualified.

Section 3.5. If any officer or member of the council fails to attend three successive meetings of the council, the position held by that officer or member of the council is automatically vacated unless the council determines by a record vote that good cause exists for one or more of the absences. The council shall fill the vacancy for the unexpired term pursuant to section 6.3.

ARTICLE IV

Nomination and Election of Officers and Members of the Council

Section 4.1. Nominations. Before each annual meeting, the chair shall appoint a nominating committee of three members. That nominating committee shall make and report nominations to the section for the offices of the chair, vice-chair, secretary, treasurer, and members of the council. Other nominations for the same positions may be made from the floor.

Section 4.2. Elections. All elections must be by written ballot unless otherwise ordered by a resolution duly adopted by the section at the annual meeting at which the election is held.

Section 4.3. Whenever a vacancy occurs in the first year of the two-year term of a member of the council, there shall be an election to fill the unexpired term at the next annual meeting, regardless of whether the council acts to fill the vacancy pursuant to section 6.3.

ARTICLE V

Duties of Officers

Section 5.1. Chair. The chair shall: (1) preside at all meetings of the section and of the council; (2) formulate and present at the annual meeting of the State Bar of Texas a report of the work of the section for the past year; and (3) perform other duties customary for the chair.

Section 5.2. Vice-chair. On the death, resignation, or during the disability of the chair, or on the chair's refusal to act, the vice-chair shall perform the duties of the chair for the remainder of the chair's term except in case of the chair's disability and then only so long as the disability continues.

Section 5.3. Secretary. The secretary is the custodian of all books, papers, documents, and other property of the section. The secretary shall keep a true record of the proceedings of all meetings of the section and the council, whether assembled or acting under submission. The chair, vice-chair, and secretary shall prepare a summary or digest of the proceedings of the section at its annual meeting. In conjunction with the chair and the vice-chair, the secretary, as authorized by the council, shall attend generally to the business of the section.

Section 5.4. Treasurer. The treasurer is the custodian of all financial documents and funds of the section. The treasurer shall deposit the funds of the section in a separate account in any bank to be selected by the council, generally in the city where the treasurer resides, and shall make disbursements from funds as directed and authorized by the council on checks signed by the treasurer or either the chair or vice-chair. The treasurer shall keep an accurate record of all funds appropriated to and expended for the use of the section. The treasurer shall submit to the State Bar of Texas accounting department on a monthly basis all documents the State Bar of Texas requires to be submitted.

ARTICLE VI

Duties and Powers of the Council

Section 6.1. The council shall have general supervision and control of the affairs of the section subject to the rules governing the State Bar of Texas and these bylaws. The council shall authorize all commitments or contracts which require the payment of money and shall authorize the expenditure of all funds.

Section 6.2. The chair may appoint committees composed of members to perform duties and exercise various tasks as the chair may direct, subject to the limitations of these bylaws and rules governing the State Bar of Texas.

Section 6.3. The council, during the interim between annual meetings, may fill vacancies in its own membership or in the offices of vice-chair, secretary, and treasurer, or, in the event of a vacancy in both the office of chair and vice-chair, then in the office of chair. Members of the council and officers so selected serve until the close of the next annual meeting, or until their successors have been elected and qualified.

Section 6.4. Members of the council, when physically present or participating by telephone at meetings of the council, shall vote in person, but when absent may communicate their vote regarding any proposition to the secretary in writing and have the vote counted with the same effect as if cast personally at the meeting.

Section 6.5. The chair may, and on the request of any member of the council shall, submit or cause to be submitted in writing to each of the members of the council any proposition on which the council may be authorized to act. The members of the council may vote regarding that proposition by communicating their vote to the secretary in writing over their respective signatures. The secretary shall record the vote of each member of the council and keep on file the written and signed votes. A vote conducted under this section constitutes the vote of the council the same as if the vote was conducted under section 6.4.

Section 6.6. Meetings of the council may be called by the chair at a time and place determined by the chair.

Section 6.7. A majority of the members of the council, excluding past chairs, constitutes a quorum for the transaction of business. In all other matters, past chairs present at a meeting of the council shall have a vote.

~~[Section 6.8. The initial members of the council shall be:~~

1. Mitchell Katine	5. Suzanne Bryant
2. Anne M. Pike	6. Matthew P. Eastus
3. Charles A. Spain, Jr.	7. Martha A. Fitzwater
4. William R. Thompson II	8. Connie Moore]

ARTICLE VII

Section Meetings

Section 7.1. The annual meeting of the section must be held during the annual meeting of the State Bar of Texas, in the same city as the annual meeting of the State Bar of Texas, with the program and order of business as may be arranged by the chair.

Section 7.2. Special meetings of the section may be called by the chair at a time and place determined by the chair.

Section 7.3. The members present at any meeting constitute a quorum for the transaction of business.

Section 7.4. A binding action of the section requires a majority vote of the members present and voting.

Section 7.5. Any recommendation or declaration of the section regarding existing or proposed legislation, or regarding proposed governmental regulations or administration, in order to constitute the action of the section, must first be approved by two-thirds of the members of the council and then be approved by a majority of the members of the section present and voting; provided that the action must be submitted for approval to the board of directors of the State Bar of Texas.

ARTICLE VIII

Miscellaneous Provisions

Section 8.1. The fiscal and membership year of the section is the same as that of the State Bar of Texas.

Section 8.2. No salary or compensation may be paid to any officer or member of the council. The council may approve a request for reimbursement for actual expenses submitted by any member or associate member, including an officer or member of the council.

Section 8.3. The jurisdiction of the section is not in substantial conflict, nor substantial overlap, with the jurisdiction of any other section, standing committee, or special committee of the State Bar of Texas.

Section 8.4. The section will not act as a political or social advocacy group and shall comply with all State Bar of Texas policies and the State Bar Act, and within the guidelines of *Keller-Gibson* case law.

Section 8.5. As required by Part VI, subsection 6.02.08 D of the State Bar of Texas Board policy manual, the provisions of Part VI, subsections 6.02.08 A, B, and C, and any future amendments, are adopted and attached to these bylaws as an appendix.

ARTICLE IX

Amendments

Section 9.1. These bylaws may be amended at any annual meeting by a majority vote of the members present and voting, provided each proposed amendment must have been approved by two-thirds of the members of the council. No amendment may become effective until approved by the board of directors of the State Bar of Texas.

Adopted on June 12, 1998, by a vote of 8 to 0.

/s/ Anne M. Pike
Vice-Chair

June 17, 1998
Date

/s/ Charles Spain
Secretary

16 June 98
Date

Bylaws previously approved by the State Bar board of directors on April 17, 1998.

Amended on June 11, 1999, by a unanimous vote.

/s/ Charles Spain
Chair

17 June 99
Date

/s/ John Adcock
Secretary

June 17, 1999
Date

Amendments approved by the State Bar board of directors on September 24, 1999.

Amended on June 23, 2000, by a unanimous vote.

/s/ Charles Spain
Chair

23 June 00
Date

/s/ John Adcock
Secretary

June 23, 2000
Date

Amendments submitted to the State Bar board of directors for approval in September 2000.

APPENDIX

6.02.08 Finances

A. Each section is authorized to collect membership dues and govern expenditures of dues income. The establishment of or any revision in the section dues requires approval by the State Bar Board of Directors. Each section shall submit to the Executive Director by July 15 each year a complete financial report for the preceding fiscal year ending May 31 and a section budget for the current fiscal year.

B. Section funds can only be invested within the parameters outlined in the State Bar of Texas Investment Policy as set forth in section 10.05 of the State Bar Board policy manual.

C. Each section shall deposit dues income into either a branch of the State Bar of Texas banking depository, or an alternative banking depository meeting the requirements of subsection B above. In the event a selects the alternative depository, it shall instruct the depository to provide directly to the State Bar a duplicate of the bank statements, canceled checks, and deposit slips. Any expense incurred in providing duplicates to the State Bar shall be borne by the section. Upon request by the section treasurer, the accounting department of the State Bar shall prepare a monthly and year-to-date section financial report. Any section may opt to have the State Bar manage section funds, including depositing dues, managing operating expenses, issuing checks, and preparing financial reports and budgets. This optional latter service will be provided by the State Bar at no charge to sections having less than 250 members. Larger sections electing this service may be charged a *per capita* fee per member not to exceed \$1.