

**OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
The Renaissance Worthington Hotel - Brazos I & II
200 Main St.
Fort Worth, Texas 76102
September 20, 2002 - 9:00a**

The Board of Directors of the State Bar of Texas met in a regular session on September 20, 2002 at the Renaissance Worthington Hotel, Fort Worth, Texas. The meeting was called to order at approximately 9:00 a.m. by Chair Charles W. Schwartz, and the roll was called by Executive Director Antonio Alvarado. A quorum of voting Board members was present. The following Board members were unable to attend the Board meeting and were extended excused absences: Jennifer G. Durbin, Roland Garcia, Jr., Stephen C. Maxwell, Luther H. Soules and Amy Dunn Taylor. Liaisons and Section Representative granted excused absences were Turner W. Branch, Suzanne Mann Duvall, Justice Craig T. Enoch, and Robert V. Gibson. Terri L. Hagan arrived at approximately 1:00 p.m. Blair A. Bisbey gave the invocation.

1. **SWEARING OF NEW BOARD MEMBERS**

Chair Charles W. Schwartz introduced the newly appointed Board members Pauline E. Higgins (District 4, Place 5) and Patricia J. Williams (public member). Absent from the June meeting, James Winton (District 4, Place 2) was also sworn in. The new Board members were sworn in by Judge Sharon Keller and presented with the customary gifts.

2. **ITEMS FROM THE CHAIR OF THE BOARD**

A. **Approval of Items on the Consent Agenda**

Upon motion properly made and seconded, the following items on the Consent Agenda were approved:

- 1) Minutes of Board meeting conducted on *June 12 - 13, 2002*
- 2) Ratification of actions taken by the Executive Committee at the meeting(s) conducted on --

May 23, 2002: Approved minutes of the April 18, 2002 Executive Committee meeting; approved Employee Handbook.

August 2, 2002: Approved minutes of the May 23, 2002 Executive Committee meeting; approved the increase of committee members for the Client Security Fund and Legislative Policy Committees to ten and revision of the policy manual to reflect as such; approved deletion of Pattern Jury Charges - Civil Committee and the subsumption of the Death Penalty Litigation Committee to the Legal Services to the Poor in Criminal Matters Committee; approved amendments to BOD Policy Manual, subsection 6.01.01 and 6.01.02; approved the Book Fund Policy.

- 3) Presidential appointments to the following entities:

- a) **2002-2003 Special Committee to Nominate ABA Delegates:**

Broadus A. Spivey, Chair

(by President Harrison)

Baldemar Garza (Rio Grande City)

Colleen McHugh (Corpus Christi)

Richard Pena (Austin)

Steve Suttle (Abilene)

(by Chair Schwartz)

David E. Keltner (Ft Worth)

Richard T. Miller (San Saba)

Gary Reaves (El Paso)

Blake Tartt (Houston)

b) **Delegates and Alternates to the 2003 Fifth Circuit Judicial Conference:**

Delegates:

Broadus A. Spivey

Vidal G. Martinez

Andrew Strong

Alternates:

Lynne Liberato

Richard T. Miller

Marshall C. Wood

Others:

Guy N. Harrison

Betsy Whitaker

Antonio Alvarado

c) **State Bar Council of Chairs Committee: *Effective June/2002 through May/2003:***

Deborah McElvaney, Chair (Houston)

Jim Spivey, Vice-Chair (San Antonio)

d) **Texas Access to Justice Commission: *Retroactive/effective June/2002 through June/2005:***

Heather K. Way (Austin)

e) **Texas Board of Legal Specialization: *Retroactive/effective July 1, 2002 through June 30, 2005:***

Carlyle H. Chapman (Dallas)

f) **Texas Rural Legal Aid:**

To complete Patino's unexpired term from December 31, 2002 and for new term effective January 1, 2003 through December 31, 2004:

Bobby Brown (Victoria)

For term effective January 1, 2003 through December 31, 2004:

Stuart N. Whitlow (Round Rock)

4) **Items from Committees, Sections/Divisions:**

a) Family Law Section's request to hold its annual meeting May 8-9, 2003 in Houston in conjunction with the Marriage Dissolution Institute Course instead of during the State Bar's June 2003 Annual Meeting (Houston) (Exhibit A).

b) Bylaw amendments for the Sexual Orientation and Gender Identification Issues (SOGII) Section. (Exhibit B)

- b) Bylaw amendments for the Sexual Orientation and Gender Identification Issues (SOGII) Section. (Exhibit B)

B. General Report and overview of Bar year

Chair Schwartz's report included: 1) creation of *ad hoc* Policy Manual Committee to undertake the substantial project of rewriting the policy manual to include the adoption of the Strategic Plan and the new committee structure. Chair Schwartz stated that it was unfair to ask any current board member to undertake this tremendous task and had, therefore, appointed three former directors: Neale Potts, Gary Reaves and David Keltner, to the *ad hoc* Policy Manual Subcommittee. The former Board members would be able to provide the required institutional history. Chair Schwartz welcomed additional members; 2) Resolutions - two were proposed: One was on whether *pro bono* should be mandatory and the other one requested revisions to the Texas Death Penalty practice. Both resolutions failed and were not forwarded to the General Session; 3) Courtesy resolution were presented to the Annual Meeting Committee, Dallas Bar Association and the City of Dallas for contributions to the Annual Meeting; and 4) solicitation of candidates to serve as Chair of the Board, 2003-2004. The announcement of candidates and determination of voting would be done at the January 17, 2003 Board meeting. The election would be held in open session during the April 11 Board meeting.

Questions ensued regarding the composition of the Client Security Fund and Legislative Policy Subcommittees.

After much discussion, Landgraf moved approval of the recommended amendments to the Board policy, Section 5.01, with one additional change: "The subcommittee will be composed of up to ten (10) members"... Seconded by Jeff Parsons, the motion passed.

Regarding the Legislative Policy Subcommittee, after discussion President Harrison moved approval of the requested changes to Board policy; however, leaving the composition at nine (9) members instead of ten (10). Seconded by Parson, the motion passed. (Exhibit C).

3. REPORT AND ACTION ITEMS FROM THE PRESIDENT

President Guy Harrison welcomed new Board Director Pauline E. Higgins (District 4, Place 5) and Public Member Patricia J. Williams. President Harrison further commended Tarrant County Bar Association's Executive Director Trish Graham for the hard work and contributions made during the Board's visit to Fort Worth.

President Harrison reported that he had combined the Death Penalty Litigation Committee with the Legal Services to the Poor in Criminal Matters Committee. For the first year, it would be an extremely large committee - 34 members. The Death Penalty Litigation Committee would be a subcommittee of the Legal Services to the Poor in Criminal Matters Committee. During the next 2-3 years, attrition would bring members down to approximately 15. President Harrison further reported that the special Pattern Jury Charges - Civil Committee would be deleted. The work would be done by one of the other Pattern Jury Charges committees. The Policy Manual, Sections 6.01.01.c and 6.01.02.c., would need to be revised to reflect these changes.

President Harrison also reported on the following: 1) House Bill 792 Report - comparison of provisions of the Texas Rules of Disciplinary Procedure with those from the State Bar Act. A report outlining the discrepancies had been prepared and forwarded to the House Lieutenant Governor's office and 2) the law school initiative in which he visited the Texas law schools.

4. REPORTS FROM JUDICIAL LIAISONS

Justice Craig T. Enoch, Supreme Court Liaison, was unable to attend the Board meeting but forwarded his report, which was distributed during the meeting. The document included updates on the following: 1) the UPL Taskforce - the Board had completed the study of the Unauthorized Practice of Law and had forwarded it to the Legislature; 2) Access to Justice - more than doubled the number of lawyers that made contributions from \$450,000 to over a million dollars; and 3) the Task Force on Civil Litigation Improvements - headed by Joseph D. Jamail. The Task Force is charged with examining whether the public interest is being served by the practices and procedures currently being used in trial courts in civil matters other than family, juvenile, and probate law. Due to the public interest in this particular item, the final report will be published in the *Texas Bar Journal*. (See Exhibit D).

5. REPORTS FROM SECTION REPRESENTATIVES TO THE BOARD COMMITTEE

Section Representative William H. Betts, Jr. reported that representatives remain active with the Council of Chairs efforts and are accessible to address Board issues.

6. REPORT FROM EXECUTIVE DIRECTOR

Executive Director Antonio Alvarado's report included the following: Sunset, Finance Committee, budget process (must create a linkage between budget and performance measures), leases, technology contracts, salary study, staff reorganization, Dallas Annual Meeting, *Celebrate Freedom Book* put together by Law Education Dept. (September 22-28, Celebrate Freedom week), Corporate Seminar on October 4, Texas Minority Council Program in Houston in October, and the Board meeting on January 17. There would not be any committee meetings for December due to budget and other constraints. December would be used to handle the budget process and any emergencies.

7. REPORT FROM THE CHIEF OPERATING OFFICER/GENERAL COUNSEL

Chief Operating Officer/General Counsel Shelby Rogers reported on the use of email in state bar business as it relates to the Open Meetings Act. The Texas Open Meetings Act provides that all meetings of Governmental bodies must be open to the public. Governmental bodies are required to give advance notice of public meetings. A meeting includes a deliberation between a quorum of a government body or between a quorum of a government body or another person during which public business or public policy over which the government body has supervision is discussed, is considered, or which during the government body takes formal action. The State Bar Rules state that a presence of the majority of those persons entitled to a vote in meetings of the board or executive committee constitutes a quorum (Executive Committee = 9, Board Meeting = 24). A deliberation is defined by the Act as a verbal exchange during a meeting considering an issue within the jurisdiction of the government body. The Attorney General has ruled that the meaning of the word "verbal" is not limited to spoken words. Email discussing business may be subject to the Open Meetings Act. A member of the governmental body commits a misdemeanor if the member conspires to circumvent the Open Meetings Act by meeting in numbers of less than a quorum to have secret discussions.

8. REPORT FROM THE IMMEDIATE PAST PRESIDENT

Immediate Past President Broadus Spivey commended Finance Committee Chair David Stevens for his hard work. Spivey also expressed his appreciation of public members on the Board.

9. REPORT FROM BOARD COMMITTEES

Status reports were heard from the following Board committees:

A. *ADMINISTRATION* (Jarvis V. Hollingsworth) - Hollingsworth reported on the following: 1) salary study - three companies have been interviewed; 2) real estate leases; 3) development of performance measures to link budget plan to the strategic plan; 4) evaluation procedures for the Executive Director position, which will be included in the policy manual; 5) thirteen active suits against the Bar; 6) contracts update; 7) technology issues - House Bill 1712 requires that the Bar have an active membership online by September 2003; and 8) *MyTexasBar.com*.

On behalf of the Administration Committee, Hollingsworth moved the following motions for approval of authorization of the Administration Committee to:

MOTION 1: Enter into a contract for a salary comparison study or survey, with authority of the Executive Director or designee to execute contract with later ratification by Executive Committee or the Board.

MOTION 2: Renew the Harlingen field office lease or approve a new lease agreement and to approve lease agreement for the El Paso field office with authority of the Executive Director or designee to execute contract with later ratification by Executive Committee or the Board.

MOTION 3: Approve technology contracts for implementation of HB 1712 membership profile, membership database, website and portal content, and take such actions as set out in the Technology Business Plan, after review and recommendation of the BOD Member Services and Education Committee/Technology Oversight Subcommittee and with authority of the Executive Director or designee to execute contracts, with later ratification by Executive Committee for the Board.

The motions, taken separately, passed.

B. *BUDGET* (President-elect Betsy Whitaker) - President-elect Whitaker reported that the Budget Committee would meet within two weeks due to the cancellation of the September 18 meeting. The committee will work on overlaying the budget plan with the strategic plan and in linking the Finance Committee (who work with current issues) with the Budget Committee (who work with future issues).

President-elect Whitaker also reported on the 2002-2003 budget. Since the publication on the *Bar Journal*, a public hearing was held in Austin. The budget was reviewed and no concerns were raised. The budget would be presented to the Supreme Court on May 6, 2003.

C. *FINANCE* (David W. Stevens) - Stevens reported that the financial outlook was good, revenues were 4% favorable and the actual net excess revenues over expenditures were \$916,458.

Stevens also reported that the auditors from KPMG had been conducting both the financial and internal audits. KPMG decided they should not conduct the internal audit and recommended that the Bar subcontract the internal audit. Three companies were interviewed and recommendations had been submitted to Executive Director Alvarado and the Finance Committee. A request for proposal is expected to be sent out by spring.

On behalf of the Finance Committee, Stevens moved Board approval to accept the Quarterly Investment Report. Motion passed. (Exhibit E)

D. EXECUTIVE COMMITTEE

1) *Nominations & Elections Subcommittee* (Vidal G. Martinez) - Martinez reported on the timetable for the President-elect's race. The deadline for receipt of recommendations/nominations is October 1, 2002. Nominations will be submitted to the Board at the January 17, 2003 Board meeting. The Nominations & Elections Committee is in the process of streamlining election rules (revising the rules of engagement).

2) *Policy Manual/Strategic Planning Subcommittee* (Neale Potts/Gary Reaves) Chair Schwartz again explained the thought process regarding the formation of the *Ad hoc* Policy Manual Subcommittee.

During discussion, Board members expressed the need for a more formal structure to include current board members. Chair Schwartz indicated that he would chair the Policy Manual Subcommittee and would solicit members from the current Board via email and/or phone calls. The committee would work on having a draft to present at the January 17, 2003 Board meeting.

MOTION 1: Upon motion by Georgina Benavides and seconded by Kim Askew, the following items were approved:

Ratification of Executive Committee action approving amendment to BOD Policy Manual regarding subsections 6.01.01 and 6.01.02

- a) **Subsume Death Penalty Litigation Committee to the Legal Services to the Poor in Criminal Matters Committee and temporarily expand number of members to thirty-four (34)**
- b) **Delete Pattern Jury Charges - Civil Committee**

Motion passed. (Exhibit F)

MOTION 2: Upon motion by Mack Barnhart and seconded by Georgina Benavides, the ratification of amendments to BOD Policy Manual regarding the Subsection 10.07.01 - Capital Items - changing \$500 to \$5,000 were approved. (Exhibit G)

MOTION 3: Upon motion by Dan Boulware and seconded by Patricia Alvarez, the ratification of amendments to BOD Policy Manual regarding Section 3.04, Crowley Award, was approved. (Exhibit H)

Chief Disciplinary Counsel Dawn Miller reported on the language revisions proposed by the Commission for Lawyer Discipline regarding the grievance committee qualifications. The Commission recommendations were intended to prevent service on a grievance committee by any person (lawyer or public member) who had been convicted of a misdemeanor involving theft, a felony, or a crime involving moral turpitude. The recommendation would also require disclosure by a potential or sitting grievance committee member if he or she had been or is charged with or indicted for a misdemeanor involving theft, a felony, or a crime involving moral turpitude. Following the disclosure of such a charge or indictment, the Board could choose whether or not to approve the nomination of such a person and a President would have the discretion to remove from office a sitting grievance committee member.

Upon review and discussion of the proposed language changes, Boulware moved, and it was properly seconded by President Harrison, that policy item Removal of Grievance Committee Members, Section

8.01.05(1), line 11, be changed to read, "...or when a member is currently charged with or indicted for a misdemeanor involving theft, a felony, or a crime involving moral turpitude."

MOTION 4: President Harrison moved the amendments to Board Policy Manual regarding grievance committee qualifications, Section 8.01.05 and 8.01.06 be approved. After further discussion, an amendment was offered to word it "is charged". The amendment was accepted by the movant. Upon call to vote on the amended motion, the motion passed. (Exhibit I)

E. MEMBER SERVICES & EDUCATION COMMITTEE

1) *Appeals-Grant Review Subcommittee* (Steven Steele) – On behalf of the subcommittee, Steele moved approval of the following MCLE appeals:

Uphold the appeal and overrule the MCLE Committee's decision regarding the following:

- a) G&G Publishing - regarding the non-accreditation of the "Intro to Communication Skills for Attorneys" activity
- b) Leigh Webber, Practice Management Institute, Inc. - regarding the non-accreditation of the "Microsoft Word for the Law Office" activity

To deny the appeal and uphold the MCLE Committee's decision regarding the following:

- c) Jill K. Bramlett - regarding the non-accreditation of the "Employer Handling of Health Information: What Employers Need to Know about the New Medical Privacy Regulations" activity
- d) Johnna K. Holly, National Rural Electric Cooperative Association, regarding the non-accreditation of the "Workplace Law 2002" activity

The motion passed.

Steele reported that the appeal of Roland D. Meisner regarding the denial of accreditation of out-of-state CLE activity has been resolved per agreement.

2) *Professional Development Education Subcommittee* (Blair A. Bisbey) - Bisbey reported on the history of the Book Fund policy and stated that both Jarvis Hollingsworth and Kim Askew were instrumental in resolving concerns that arose concerning this issue. Bisbey also reported that the book fund currently has a balance of 2.6 million dollars.

MOTION 1: On behalf of the Professional Development Education Subcommittee, Bisbey moved ratification of the Executive Committee action approving the amendment to Board Policy Manual, Section 10.09, Book Fund. Motion passed. (Exhibit J).

MOTION 2: On behalf of the Professional Development Education Subcommittee, Bisbey moved approval to delete Section 16.03, Fund, from the Board Policy Manual. Motion passed. (Exhibit K)

3) *Technology Oversight Subcommittee* (Kim A. Askew) - Askew reported on the process being undertaken to implement the new database in order to comply with House Bill 1712. The deadline for implementation of the online membership profile database is September 1, 2003. Proposals from

several vendors had been reviewed and the Technology Oversight Subcommittee would make a selection. The committee would present the contract at the January Board meeting. The process of collecting required information for the member profiles would begin in February 2003 and continue through August 2003.

On behalf of the Technology Oversight Subcommittee, Askew moved for the authority of the Technology Oversight Subcommittee to:

- a) approve the revised rules and regulations for implementation of HB 1712;
- b) review the technology component for the attorney profile called for in HB 1712; and
- c) review the new membership database and report to the Administration Committee for final approval.

The motion passed.

4) *Ad Hoc Committee to Select Minority Director* (Georgina Benavides) - Benavides reported on the timetable for the selection of minority director. The *Ad Hoc* Committee to Select Minority Director consists of Georgina Benavides (Chair), Ophelia F. Camina, Jarvis V. Hollingsworth, three members from the Women in the Profession Committee and five members from the Opportunities for Minorities in the Profession Committee. The committee will recommend two persons to President Harrison, who will select one to fill the one vacant position. (Benavides' term will expires in 2003.) Deadline for receipt of nominating packages is 5:00 p. on December 16, 2002. Interviews would be conducted in January 2003.

F. *PUBLIC SERVICES & EDUCATION COMMITTEE*

1) *Legal Services Subcommittee* (Dan M. Boulware) - Boulware reported that the Legal Services Subcommittee has undertaken the task of conducting a survey to determine *pro bono* performance in Texas. *Pro bono* is voluntary in the state of Texas and the survey would be constructed in order to assure accurate answers.

On behalf of the Legal Services Subcommittee, Boulware moved for approval of authorization of the Legal Services Subcommittee to conduct the statistical survey regarding *pro bono* reporting and that the survey be limited to that determined by the Public Service and Education Committee after input of all the various stakeholders and at a cost not to exceed \$10,000. The cost would come out of the Legal Services for the Poor Committee budget. Motion passed. (Exhibit L)

2) *Legislative Policy Subcommittee* (Blair A. Bisbey) - Bisbey reported that there were various amendments from the Family Law Section in the family code. The Family Law Section would support the surrogacy statute. The Sexual Orientation & Gender Identification Issues Section withdrew its proposal for this year. The committee still had a couple of proposals from the Municipal Judges Section that would need to be considered regarding the authority of municipal judges to perform marriages, changes in criminal procedures regarding deferred adjudication, and traffic ticket cases where defendants are taking defensive driving courses.

The following table shows the recommendations of the Legislative Policy Subcommittee:

TAB	PROPOSAL	COMMITTEE RECOMMENDATION
BOARD PROPOSED (Tab 1)		
1	Appropriations to Support Student Loan Repayment Assistance Program	Support
	Increase Crime Victim Compensation Fund Appropriation	Support
	Additional Appropriations for Civil Legal Services	Support
ALTERNATIVE DISPUTE RESOLUTION (Tabs 2-3)		
2	Relating to the amendment of certain provisions in the Texas Civil Practice and Remedies code—§152.004(a)	Support
3	Relating to the amendment of certain provisions in the Texas Civil Practice and Remedies code—§152.005(a)	Support
FAMILY LAW (Tabs 4-13)		
4	Relating to the rights of spouses in relationship to their separate and community property.	Support* (*with recommended changes)
5	Relating to alternative dispute resolution statements.	Support
6	Relating to child support and school enrollment and attendance.	Support
7	Relating to standing to file a suit requesting termination of the parent-child relationship or adoption.	Support
8	Relating to the determination of conservators and the terms and conditions of conservatorship and periods of possession.	Support* (*with recommended changes)
9	Relating to attorney fees and suits affecting the parent-child relationship.	Support
10	Relating to agreements concerning child support.	Support* (*with recommended changes)
11	Relating to attorney's fees for enforcement of an order for possession or access.	Support
12	Relating to the Uniform Parentage Act by authorizing court validated gestational agreements and providing penalties.	Support (Correct numbering in Section 5)
13	Relating to the duties of an associate judge.	Support
MUNICIPAL JUDGES (Tabs 14-20)		
14	Art. 45.036, Texas Code of Criminal Procedure. Verdict.	Support
15	Art. 545.412(f)(4), Texas Transportation Code.	Withdrawn
16	Art. 45.037, Texas Code of Criminal Procedure. Motion for New Trial.	Support
17	Art. 2.202, Texas Family Code. Persons Authorized to Conduct Ceremony.	Support* (with recommended changes, Municipal Judges Section may carry in their own name)
18	Art. 45.051, Texas Code of Criminal Procedure. Suspension of Sentence and Deferral of Final Disposition.	Neutral
19	Art. 45.0511, Texas Code of Criminal Procedure. Deferred Disposition Procedures Applicable to Traffic Offenses.	Neutral

TAB	PROPOSAL	COMMITTEE RECOMMENDATION
20	Art. 542.401, Texas Transportation Code, General Penalty.	Does not comply with 15.01.03
REAL ESTATE, PROBATE & TRUST LAW (Tabs 21-26)		
21	PROBATE Proposed Amendment to Section 5A(b) Proposed Section 58C Proposed Amendment to Section 59A(a) Proposed Amendment to Section 67(a)(1)(B) Proposed Section 68A Proposed Amendment to Section 84 Proposed Amendment to Section 245 Proposed Amendment to Section 322A(j) <input type="checkbox"/> (y) Proposed Amendment to Section 378B(f) Proposed Chapter 181 Property Code, Subchapter C	Support all proposals in Tab 21. REPTL Section may carry in their own name.
22	GUARDIANSHIP Repeal Section 389 Proposed Amendment to Subsection 606(d) Proposed Amendment to Section 607(b) Proposed Amendment to Section 608 Proposed Amendment to Section 633 Proposed Amendment to Section 634 Proposed Amendment to Section 665B Proposed Amendment to Section 682 Proposed Amendment to Section 687(c) Proposed Amendment to Section 702(b) Proposed Amendment to Subsection (a), Section 729 Proposed Amendment to Subsection (c), Section 745 Proposed Amendment to Section 765 Proposed Amendment to Section 767 Proposed Amendment to Chapter XIII, Part 4, Subpart F, Section 774(a) Proposed Amendment to Section 776 Proposed Amendment to Section 814 Proposed Amendment to Chapter XIII, Part 4, Subpart L, Section 855 Proposed Amendment to Section 856 Proposed Amendment to Section 857 Proposed Amendment to Section 858 Proposed Amendment to Section 859 Proposed Amendment to Section 860 Proposed Amendment to Section 861 Proposed Amendment to Section 863 Proposed Amendment to Section 864 Proposed Amendment to Section 868A Proposed Amendment to Section 883 Proposed Amendment to Title 6, Chapter 25, Section 25.10, Penal Code	Support all proposals in Tab 22. REPTL Section may carry in their own name.

TAB	PROPOSAL	COMMITTEE RECOMMENDATION
23	GUARDIANSHIP ¶ MENTAL HEALTH SERVICES Proposed Amendment to Section 767 Proposed Amendment to Section 770(b) Proposed Amendment to Health and Safety Code, Ch. 573 Proposed Amendment to Section 743(b)(15)	Support all proposals in Tab 23. REPTL Section may carry in their own name.
24	TRUST Proposed Amendment to Section 113.082, Subtitle B, Title 9, Property Code Proposed Amendment to Section 113.151, Subtitle B, Title 9, Property Code	Support all proposals in Tab 24. REPTL Section may carry in their own name.
25	Texas Uniform Principal and Income Act	Support ¶ REPTL Section may carry in their own name.
26	Texas Uniform Prudent Investor Act	Support ¶ REPTL Section may carry in their own name.
SEXUAL ORIENTATION & GENDER IDENTIFICATION ISSUES (Tab 27)		
27	Proposed amendment to Subchapter B, Chapter 45, Family Code ¶ Change of Name and Vital Statistics Information	Withdrawn
REFERENCE MATERIAL (Tabs 28-31)		
28	Legislative Policy and Timetable	
29	State Bar of Texas Purpose Clause	
30	Keller Opinion	
31	Legislative Policy Committee Roster	

On behalf of the Legislative Policy Subcommittee, Bisbey moved approval of the SBOT Legislative Program. The motion carried.

G. *Sunset Special Committee* (Gib Walton) - Walton's report included: 1) the Sunset process and activities; 2) streamlining of the grievance process; 3) frivolous lawsuits; 4) the appointment of a statewide Sunset committee; 5) the amended State Bar Act would be received January 2003; and 6) the hearings on the State Bar would be conducted in March or April 2003. Walton also reported that the Legislature would be in session by the next Board meeting in January.

10. REPORTS FROM STATE BAR COMMITTEES, SECTIONS, DIVISIONS

A. *Section Coordination Committee* (Gary Reaves) - Reaves reported on the outcome of the Consumer Law Section's request to change the section name to Consumer, Commercial and Insurance Litigation Section. The matter was submitted and debated at the Council of Chairs' meeting and was not approved.

Reaves also reported that the Section Coordination Committee and the Council of Chairs had reviewed the request to create a new section.

Upon motion by President Harrison and seconded by Ralph Brock, the creation of the State Bar Bankruptcy Law Section was approved. (Exhibit M)

11. OTHER REPORTS/ACTIONS

A. Commission for Lawyer Discipline

Commission members Tim Sulak and Paddy Burwell reported that the Commission for Lawyer Discipline had created a budget committee to work on the proposed budget and to present to the Bar's Budget Committee after November 2002. Due to the significant cuts in operating expenditures, the Commission came in at 2% under budget fiscal year 2001-02.

B. Texas Access to Justice Commission (TAJC)

TAJC Chair John R. Jones reported on the following: 1) Texas Access to Justice Commission meeting minutes can be viewed on website, www.Texasatj.org; 2) undistributed funds on class action settlements; 3) Joint Revenue Enhancement Committee working with banks to waive fees; 4) working with the Conference of Chief Justices to highlight Access to Justice activities; 5) IOLTA declared unconstitutional - the ninth circuit has been granted cert. The deadline for briefs is October 18 and the Commission is assisting with amicus briefs for this litigation; 6) the website upgrade includes an online fund raising capability; 7) a research development person would be hired to assist local communities in raising money for legal services; 8) Texas had been selected as a pilot site regarding a statewide communications project; 9) IOLTA revenues are expected to decrease \$1.2 million dollars; 10) the Commission is putting together a traveling road show to help train lawyers in pro bono; 11) census numbers - Texas will lose \$100,000 - \$600,000 in federal funds for legal services (Austin, San Antonio, and El Paso will be affected). The Commission will be working on getting federal legislation passed to help combat loss; and 11) the Commission is working with other legislative groups regarding judicial review of final administrative decisions.

Jones also reported that the State Bar of Texas was awarded the Harrison Tweed Award. It is the highest national award for addressing issues dealing with access to justice. Texas has become a national leader in access to justice issues.

C. TYLA President

TYLA President Strong reported on the TYLA mission; organization of TYLA; the top 2 awards in the country for service to the public (Junior Judges) and service to the Bar (Federal Court Practice Seminar) were awarded to TYLA; TYLA won 1st place in comprehensive projects (Hangin' Out Your Shingle video); safe schools project, new web site, eNews (newsletter sent out to 50,000 young lawyers); Law of the Land pamphlet (helps educate immigrants of their rights and responsibilities in Texas); Hangin' Out Your Shingle video and booklet, San Antonio Disaster Relief effort; the appointment of Heather Way as the Access to Justice liaison and the creation of a committee to assist lawyers with marketing and public relations techniques.

There being no further business, the meeting adjourned at approximately 2:30 p.m.

EXHIBITS ATTACHED

- | | |
|------------|--|
| Exhibit A: | Family Law Section's request regarding annual meeting |
| Exhibit B: | Bylaw amendments for the Sexual Orientation and Gender Identification Issues |
| Exhibit C: | Amendments to BOD Policy Manual, Sections 5.01, 15.01, 6.02.05 |
| Exhibit D: | Judicial Liaison Report |
| Exhibit E: | Quarterly Investment Report |

Exhibit F:	Amendment to BOD Policy Manual, Subsections 6.01.01 and 6.01.02
Exhibit G:	Amendment to BOD Policy Manual, Subsections 10.07.01
Exhibit H:	Amendment to BOD Policy Manual, Section 3.04
Exhibit I:	Amendment to BOD Policy Manual, Sections 8.01.05 and 8.01.06
Exhibit J:	Amendment to BOD Policy Manual regarding the Book Fund policy, Section 10.09
Exhibit K:	Deletion of Section 16.03 from BOD Policy Manual
Exhibit L:	Statistical survey request
Exhibit M:	Bankruptcy Law Section

STATE BAR OF TEXAS

2002-2003 MEMBERS OF THE BOARD OF DIRECTORS, LIAISONS, EX OFFICIO, AND SECTION REPRESENTATIVES TO THE BOARD COMMITTEE

President: Guy N. Harrison
President-elect: Betsy Whitaker
Immediate Past President: Broadus A. Spivey

EXECUTIVE COMMITTEE

Guy N. Harrison	President
Betsy Whitaker	President-elect
Broadus A. Spivey	Immediate Past President
Charles W. Schwartz	Chair of the Board
Vidal G. Martinez	Immediate Past Chair of the Board
Andrew L. Strong	TYLA President
Marshall C. Wood	TYLA President-elect
Amos L. Mazzant	TYLA Immediate Past President
Kim J. Askew	Elected Member
W. Mike Baggett	Elected Member
Georgina M. Benavides	Minority Member
Blair A. Bisbey	Elected Member
Dan M. Boulware	Elected Member
Jarvis V. Hollingsworth	Minority Member
Luther H. Soules III	Elected Member
David W. Stevens	Public Member
Amy Dunn Taylor	Elected Member

EX-OFFICIO MEMBERS OF EXECUTIVE COMMITTEE

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

ELECTED DIRECTORS OF THE BOARD

Patricia O. Alvarez	Michael A. Elliott	Mark N. Osborn
Kim J. Askew	William D. Elliott	Jeff Parsons
W. Mike Baggett	Roland Garcia, Jr.	Glenn A. Perry
H. Mack Barnhart	Terri L. Hagan	Velva L. Price
Blair A. Bisbey	Pauline E. Higgins	Charles W. Schwartz
Dan M. Boulware	Paula W. Hinton	Mark A. Shank
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SOGII



Sexual Orientation & Gender Identification Issues Section State Bar of Texas

**JOHN A. NECHMAN, CHAIR
1314 TEXAS AVENUE, SUITE 1700
HOUSTON, TEXAS 77002**

(713) 650-0570; (713) 650-0577 FAX

June 24, 2002

**Ms. Kathy Casarez
State Bar of Texas Sections
P.O. Box 12487
Austin, Texas 78711-2487**

**Ms. Pat Hiller
State Bar of Texas Board of Directors
P.O. Box 12487
Austin, Texas 78711-2487**

**Re: Bylaw Amendments Approved on June 14, 2002 by the Section Council and
Membership of the Sexual Orientation and Gender Identification Issues [SOGII]
Section of the State Bar of Texas**

Dear Ms. Casarez and Ms. Hiller:

**Please find enclosed a copy of Bylaw Amendments approved by the Section Council and
Membership of the Sexual Orientation and Gender Identification Issues [SOGII] Section of the State
Bar of Texas. We would appreciate your making sure the Amendments are placed on the Agenda
for approval at the next Board of Director's Meeting.**

**Thank you for your kind assistance with this matter, and if you have any questions, please
contact my office.**

Very truly yours,

**John A. Nechman,
Section Chair**

Enclosure: One

C:\AA-SOGII\casarez-hiller.ltr.bylawamend.htm

Resolution

COPY

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

SECTION 1. Section 3.2 of the bylaws of this section is amended to read as follows:

Section 3.2. There shall be a council which shall consist of the chair, vice-chair, secretary, treasurer, and ~~[all former]~~ the three most recent past 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 2. Section 3.5 of the bylaws of this section is amended to read as follows:

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, except that a vacancy in the position of one of the three most recent past chairs shall remain vacant.

SECTION 3. Section 4.2 of the bylaws of this section is amended to read as follows:

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. Elections for members of the council shall not be held for specific positions, i.e., places one through four, but instead shall be held generally.

SECTION 4. Section 4.3 of the bylaws of this section is amended to read as follows:

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. When it is necessary to hold an election to fill an unexpired term, all newly elected members of the council shall draw straws to determine who will fill the unexpired term.

SECTION 5. Section 6.7 of the bylaws of this section is amended to read as follows:

Section 6.7. A majority of the members of the council, excluding the three most recent past chairs, constitutes a quorum for the transaction of business. A binding action of the council requires a majority vote of the members of the council, including the three most recent past chairs, present and voting. ~~[In all other matters, past chairs present at a meeting of the council shall have a vote.]~~

SECTION 6. Additions to the bylaws are indicated by underlining. Deletions are indicated by ~~[bracketing and striking out]~~.

Adopted by the section council on June 14, 2002, by a unanimous vote.

J. L. A. NL
Acting Chair

June 14, 2002
Date

Chuck Johnson
Acting Secretary

14 June 2002
Date

Adopted by the section membership on the June 14, 2002, by a unanimous vote.

J. L. A. NL
Acting Chair

June 14, 2002
Date

Chuck Johnson
Acting Secretary

14 June 2002
Date