

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
Hyatt Regency Lost Pines  
Lost Pines, Texas  
April 16, 2010**

The Board of Directors of the State Bar of Texas met in a regular session on April 16, 2010 at the Hyatt Regency Lost Pines Resort in Lost Pines, Texas. Chair David Fisher called the meeting to order at 9:00am, and Executive Director Michelle Hunter called the roll. A quorum of voting Board members was present. Steve Benesh introduced Pat Hazel from the Lakeside Mediation Center and St. David's Episcopal Church in Austin, who led the invocation. Allan DuBois led the pledges to the U.S. and Texas flags.

***Present:***

**Board Members:** J. Arnold Aguilar, Pablo Almaguer, Glenn Ballard, Jr., Tim Belton, Steve Benesh, Talmage Boston, TYLA Immediate Past President Sylvia Cardona, Theresa Chang, Guy Choate, Janna Clarke, Warren Cole, Jeanne C. (Cezy) Collins, David W. Copeland, Mark Daniel, Allan DuBois, Damon Edwards, Immediate Past President Harper Estes, Chair of the Board David Fisher, Susan M. Fisher, Deborah Gagliardi, Pamela Gilbert, Beverly Godbey, Mike Gregory, L. Bradley Hancock, TYLA President Cori Harbour, Lamont Jefferson, President Roland K. Johnson, Kyle Lewis, TYLA President-elect Jennifer Evans Morris, Timothy Mountz, Bill Ogden, Yvette Ostolaza, Tommy Proctor, Annette Raggette, Robert Roby, Mark K. Sales, Lisa Tatum, President-elect Terry Tottenham, Pat Wolter, Barbara S. Young

**Liaisons\*:** Scotty Holloman, Justice Phil Johnson, Judge Larry Meyers

**Section Representatives\*:** Chad Baruch, Stewart Gagnon, John Jansonius, Dan Micciche

**Ex Officio\*:** Executive Director Michelle Hunter, CDC Linda Acevedo, Immediate Past Chair of the Board Joe Shannon, Jr.

***Excused Absences:*** Steve Bolden\*, Judge David Folsom\*, Judge David Garcia\*\*, John Hatchel, Randy Howry, Bert Jennings, Sam Lovelady, Travis Sales, John D. Sloan, Jr., Brian Webb\*

(\* = nonvoting)

\*\*Hon. Steve Smith attended in place of Judge David Garcia.

**I. CONSENT AGENDA ITEMS:**

**Upon motion properly made by Janna Clarke and seconded by Tim Mountz, the following items from the Consent Agenda were approved:**

**A. APPROVAL OF MINUTES:**

- a. Approval of minutes of Board meetings conducted on *January 28-29, 2010*
- b. Ratification of actions taken at the following Executive Committee meetings:
  - 1) ***April 6, 2010:*** Approved minutes of the January 12, 2010 Executive Committee meeting

**B. ITEMS FROM THE PRESIDENT:**

Approval of appointments to the following entities:

a. **Commission for Lawyer Discipline:**

- 1) for terms September 1, 2010 through August 31, 2011:

**Chair: Betty Blackwell (Austin)**  
**Vice Chair: Ron Bunch (Waxahachie)**

- 2) for three-year terms effective September 1, 2010 through August 31, 2013:

**Ron Bunch (Waxahachie)**  
**Lisa Tatum (San Antonio)**

- b. **Law Focused Education, Inc.**, for two-year terms effective June 1, 2010 through May 31, 2012:

**Steve Gwinn (Dallas)**  
**Ted Kerr (Midland)**  
**Terry Marrs (Bronte)**  
**Mario Martinez (El Paso)**  
**Gracie Minyard (Edinburg)**  
**Brenda Richardson (Corpus Christi)**  
**Lisa Sanders Richardson (Round Rock)**  
**Drew Yoder (Houston)**

- c. **Texas Legal Protection Plan**, for three-year terms effective June 1, 2010 through May 31, 2013:

**Robert D. Miller (Big Spring)**  
**Jennifer Ramsey (Austin)**  
**Albert Betts, Jr (Austin)**  
**Janna Clarke (Fort Worth)**

- d. **Texas Center for Legal Ethics**, for three year terms effective June 1, 2010 through May 31, 2013:

**Hon. Jennifer Walker Elrod (Houston)**  
**Kelly Frels (Houston)**  
**Wright Moody (Houston)**

C. **ITEMS FROM THE PRESIDENT-ELECT:**

- a. **Texas Bar Foundation**, for a three year term effective June 1, 2010 to May 31, 2013:

**Barbara Young (Temple)**  
**Sonia A. Falcon (McAllen)**

- b. Approval of State Bar Committee Chairs and Vice Chairs to serve during the year 2010-11 per State Bar Rules, Art. VIII, Section 1B **[Exhibit A]**<sup>1</sup>

D. **OTHER ITEMS:**

- a. Approval of recipients for the pro bono awards to be presented at the Annual Meeting:

- 1) **Pro Bono Award:** The Dallas Volunteer Attorney Program  
2) **Frank J. Scurlock Award:** Jeffrey A. Stocks. (Houston)

- 3) **The J. Chrys Dougherty Legal Services Award:** Wafa Abdin, Catholic Charities of the Archdiocese of Houston-Galveston
- 4) **W. Frank Newton Award:** The Fowler Law Firm (Austin) and Marathon Oil Joe Simmons Legal Pro Bono Program (Houston)
- 5) **Pro Bono Coordinator Award:** Maria “Lulu” Villanueva, Texas RioGrande Legal Aid (San Antonio) **[Exhibit B]**

- b. Approval of recipients for the Nancy Garms Memorial Award to be presented at the Annual Meeting:

**Judge Lora Livingston (Austin)**

## II. REPORTS:

### A. Report from the President:

**Closed Session:** At 9:09a.m., Chair Fisher announced that the Board of Directors would meet in closed session as authorized by Texas Government Code, Section 551.074 for the purpose of discussing recommendations concerning the appointment of Legal Counsel.

**Open Session:** Upon return to open session at 9:15a.m., Chair Fisher announced that during the closed session, only matters relating to recommendations concerning the appointment of Legal Counsel were discussed. No action was taken in closed session.

President Roland Johnson reported that the Court sent the State Bar a letter on the professional liability insurance disclosure issue, congratulating the Board for their efforts on this arduous but important task, and stating that the information gleaned during the process gave the Court the tools to make an informed decision. **[Exhibit C]**

President Johnson reported that the ABA will be taking a position on the rankings of law schools by Newsweek, and on the ABA 2020 project, which will study what the practice of law will look like in the next decade. President Johnson also discussed AftertheBarExam.com, the YouTube contest, the Transition to Practice mentoring program, LeadershipSBOT, Annual Meeting, and Texas hosting the Western State Bar Conference in San Antonio held in March. President Johnson reported that he had a meeting with State Representative Senfronia Thompson to discuss her efforts in dealing with the problem of human trafficking in Texas, and ways in which the State Bar could help call attention to the issue. President Johnson also reported on the dues statement and the changes to the ATJ contribution option, which requires members to opt-out of a \$150 contribution if they don't wish to donate to legal aid.

President Johnson reported on the Ad Hoc Committee to Select Minority Directors, noting that the committee submitted four qualified names to the President, and gave background information on the final two selected.

**Lisa Tatum moved for approval of the appointment of Toni Nguyen (Keller) and John Trevino (Dallas) as a minority member to the Board of Directors, for a three-year term effective at the Annual meeting of 2010 and expiring at Annual Meeting 2013; Tim Belton seconded. Motion carried. [Exhibit D]**

### B. Report from the Chair of the Board:

Chair David Fisher reported that at the January meeting, the Board voted to conduct the Chair election by written ballot. Chair Fisher explained the balloting process, and noted that if one candidate gets a majority of all votes cast, that candidate wins the election, and if no candidate gets a majority of all votes cast, a runoff election will be held between the two candidates getting the most votes. **After two rounds of voting were conducted, Chair Fisher announced that Pablo Almaguer has been named the 2010-11 Chair of the Board.** Almaguer made remarks.

C. Report from the President-elect:

President-elect Terry Tottenham reported on committee appointments, noting that diversity was a big concern this year, and discussed the Texas Lawyers for Texas Veterans initiative and training sessions as well as the mental health DVD focusing on alcohol and substance abuse. President-elect Tottenham reported that the budget is unchanged from what was approved by the Board in January and the budget hearing with the Supreme Court is scheduled for May 4.

**On behalf of the subcommittee, President-elect Tottenham moved for approval of the 2010-11 budget for presentation to the Supreme Court of Texas; no second needed. Motion carried. [Exhibit E]**

D. Administration Committee:

Mark Sales reported on the changes to the Employee Handbook, noting that the last review was in 2005, and the changes were based on changes in state and federal law and a review of "Best Practices" models of other state agencies. Tim Mountz reported on the terms of the TCLEP lease, noting that it is a one-year term with automatic renewal and a holdover penalty of 110%, with the base rental of \$24,310/yr in monthly installments of \$2025.83. There is also a proposed administrative services agreement, which TCLEP will pay \$1000 per month for services provided by the State Bar such as accounting, payroll, and IT support.

**On behalf of the subcommittee, Tim Mountz moved for approval of the following:**

- 1) **Changes to the Employee Handbook Policies [Exhibit F]**
- 2) **Texas Center for Legal Ethics and Professionalism lease; no second needed. Motion carried. [Exhibit G]**

**Closed Session:** At 10:09a.m., Chair Fisher announced that the Board of Directors would meet in closed session as authorized by Texas Government Code, Section 551.071 for the purpose of consultations with legal counsel regarding *Project Masters, LLC v. State Bar of Texas*.

**Open Session:** Upon return to open session at 10:20a.m., Chair Fisher announced that during the closed session, only matters relating to consultations with legal counsel regarding *Project Masters, LLC v. State Bar of Texas* were discussed. No action was taken in closed session.

**In open session, Yvette Ostolaza moved for approval of the *Project Masters, LLC v. State Bar of Texas* settlement; Cezy Collins seconded. Motion carried.**

E. Audit & Finance Committee:

Beverly Godbey reported that fees for lawyer referral, CDC disciplinary, and advertising review are ahead of the amount budgeted and have contributed to the positive net revenue variance of approximately \$1.8 million, or 134% as of the end of February. TexasBarCLE's revenues over expenditures are approximately \$3.9 million, which represents a \$1.3 million positive variance. Warren Cole discussed the quarterly investment report, explaining that now that the Law Center renovation is complete, there are funds available to invest further out into the future and obtain a slight increase in interest rates.

**On behalf of the committee, Warren Cole moved for acceptance of the quarterly investment report for the period ending February 28, 2010; no second needed. Motion carried. [Exhibit H]**

F. DCAAP/Client Security Fund Subcommittees:

Janna Clarke reported that the Client Security Fund made awards of \$172,000 to 35 complainants and year-to-date have dispersed \$215,000, and are currently receiving between 12-15 complaints a month. President Johnson discussed the proposed changes to the disciplinary rules that were distributed by the Supreme Court the day before, and summarized the process up to this point and for the upcoming Bar year regarding the recommendation of the rules changes. President Johnson noted that the interpretive comments are still being

worked on, and thanked Justice Johnson and Kennon Peterson, the Supreme Court Rules Attorney, for their hard work on the changes. Lisa Tatum reported on the history of the work of the DCAAP Committee and asked the Board to provide feedback to the DCAAP Committee as they are looking through the proposed rules. Justice Johnson summarized the proposed revised disciplinary rules changes that were distributed at the Board meeting, noting that the timeline allows for a possible referendum in the fall. **[Exhibit I]**

G. Nominations & Elections Subcommittee:

Immediate Past Chair Joe Shannon reported that we have received 16,064 votes so far, and there are two contested races this year for the district elections, District 4 and District 10.

H. Member Services and Education:

Kyle Lewis reported that the Appeals Grant Review subcommittee received five requests for authorization to seek outside funding, three from TYLA and two from SBOT, and the subcommittee approved all these requests. **[Exhibit J]** Chad Baruch reported that the technology staff continues to work on the implementation of the new Virtual server systems that were approved by the Technology Oversight subcommittee prior to the January Board meeting. The PDP subcommittee will have a joint meeting with the CLE Committee in Austin on April 23. New Directors Orientation will be in conjunction with Annual Meeting this year, on June 8-9 in Fort Worth. Tommy Proctor reported that the Insurance/Member Benefits is looking at using Beneplace Inc. for providing personal use products with the deepest discounts and will offer their program at no cost to members. Also, in light of its findings with the individual health insurance plans that are offered by the SBOTIT, the subcommittee does not see a need to continue its review of the Insurance Trust as this time.

I. Texas Legal Protection Plan:

TLPP Executive Director Jim Buck summarized what has been happening at TLPP, including the website redesign, claims paid, a new provider-relations position, streamlining of the eligibility process, and the need for more provider attorneys throughout the state.

J. Commission for Lawyer Discipline/Chief Disciplinary Counsel:

Betty Blackwell reported on various aspects of the Commission and CDC, including the prevention efforts and grievance referral program, grievance statistics, disciplinary actions and the district grievance committee appointments, asking that the Board consider areas of expertise, law practice and diversity in making those nominations. **[Exhibit K]**

K. Section Representative to the Board:

Chad Baruch reported on the Sections name change and the proposed new Section, noting that the bylaws in order and both proposals have been approved by the Council of Chairs.

- 1) Immediate Past President Harper Estes moved for approval of the recommendation regarding the name change of the Sexual Orientation and Gender Identification Issues Section to the LGBT Law Section; Pat Wolter seconded. Motion carried. [Exhibit L]**
- 2) Mike Gregory moved for approval of the recommendation regarding the proposed Collaborative Law Section; Warren Cole seconded. Motion carried. [Exhibit M]**

L. Annual Meeting:

Janna Clarke reported on the Annual Meeting taking place June 9-11 in Fort Worth and various highlights including the Atticus Finch and Ethics track and speaker/author David Dow.

M. Supreme Court Liaison:

Justice Johnson reported further on the ATJ contribution opt-out aspect of the dues statement, and reported that the letter from the Court on PLID was a sincere statement of the State Bar's work on the issue. Justice Johnson noted that various public incidents that were positively viewed, such as Eldorado, the Court reorganization process and ATJ, reflect an attitude that the State Bar and lawyers in Texas are constructionists, not obstructionists.

N. Judicial Section Liaison:

Judge Steve Smith, who will become the chair of the Judicial Section in June, reported on Ethics Opinion 484, the Judicial Compensation Commission, and the Texas Center for the Judiciary's Executive Director search.

O. Texas Young Lawyers Association:

TYLA President Cori Harbour reported on the National Trial Competition, Central Texas Diversity Forum, TYLA Roadshows, Environment & the Law Symposium in celebration of Earth Day, and public service brochures.

P. Executive Director:

Michelle Hunter called on KaLyn Laney, who reminded the Board that Personal Financial Statements are due to the Ethics Commission by April 30. Linda Acevedo introduced Erica Locust from the Chief Disciplinary Counsel's office and presented her with the Employee of the Quarter Award.

There being no further business, the meeting was adjourned at 12:08pm.

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<sup>1</sup> Exhibits A through M are available at [www.texasbar.com/bodcentral](http://www.texasbar.com/bodcentral) under Meeting Agendas and Minutes.



# State Bar of Texas

## Sexual Orientation & Gender Identification Issues Section

[www.txsgii.org](http://www.txsgii.org)

*SOGII Section – the LGBT resource for the Bar*

### 2009 – 2010 OFFICERS

Christopher Walter, Chair

Eduardo Juarez,  
Vice Chair

Tracy Harting, Secretary

Phyllis R. Frye, Treasurer

Karen Langsley,  
Immediate Past Chair

Teresa Cain, Past Chair

### COUNCIL MEMBERS:

*Terms Expire 2010*

John P. Loza

Charles A. Spain, Jr.

*Terms Expire 2011*

Lorie Louise Burch

Matthew McChesney

*Board Advisor*

Warren Cole

March 24, 2010

Mr. David Fisher, Chair, and the Executive Committee  
Board of Directors  
State Bar of Texas  
1414 Colorado Street  
Austin, Texas 78701-1627

Re: SOGII Section amendments to section bylaws

Dear Mr. Fisher and Executive Committee Members:

The Sexual Orientation and Gender Identification Issues Section is requesting the Executive Committee approve amendments to the SOGII Section's bylaws, which include changing the name of the Section to the "LGBT Law Section of the State Bar of Texas."

The reasons we are requesting changing the name of the Section are outlined below:

- 1) The abbreviation "LGBT" was not in the mainstream vernacular to stand for lesbian, gay, bisexual, and transgender when the Section was created;
- 2) The abbreviation "LGBT" is now part of the mainstream vernacular. "LGBT" is used by the American Bar Association and by the National LGBT Bar Association, an affiliate of the ABA; and
- 3) Changing our Section's name to include "LGBT" will make it more identifiable to bar members and potential section members and will help the section increase membership and further its goals and initiatives.

The Section Representatives to the Board of Directors Committee unanimously approved this request on December 21, 2010. The Council of Chairs and its executive committee unanimously approved this request on January 22, 2010.

This name change does not overlap or conflict with any other section's subject matter or jurisdiction.





# State Bar of Texas

## Sexual Orientation & Gender Identification Issues Section

[www.txsogii.org](http://www.txsogii.org)

*SOGII Section – the LGBT resource for the Bar*

The Section's current bylaws require any amendments to Section bylaws be approved by membership vote at its annual meeting. We are requesting the Executive Committee and the Board of Directors approve this name change, subject to a membership vote of approval at the Section's annual meeting on June 11, 2010.

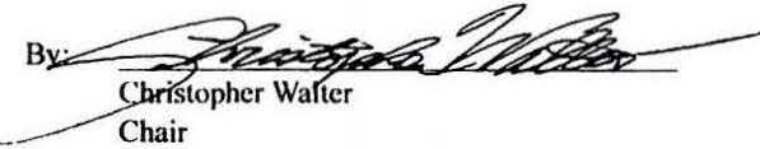
The Section is also requesting the Executive Committee and the Board of Directors approve an additional amendment to the Section bylaws, which would allow the Section to hold full membership votes at its annual meetings *and* during special meetings, subject to appropriate meeting notice to the Section membership.

The Section and its Council very much appreciate your time and consideration of these matters.

Yours truly,

SEXUAL ORIENTATION AND GENDER IDENTIFICATION ISSUES SECTION

By:

  
Christopher Walter  
Chair

Encl. Resolution dated December 4, 2009 as passed by the SOGII Council  
Redlined Bylaws  
Proposed New Bylaws

cc: Michelle Hunter, Executive Director

E. Steve Bolden, II, Chair, Section Representative to the Board of Directors

Warren Cole, Section Advisor

Chad Baruch, Section Representative to the Board of Directors and Alternative Section  
Advisor

Section Council



# BYLAWS OF THE LGBT LAW SECTION OF THE STATE BAR OF TEXAS

## ARTICLE I

### Name and Purpose

Section 1.1. This section shall be known as the LGBT Law 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.

## ARTICLE II

### Membership

Section 2.1. Each member must pay annual dues of \$20.00. 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. 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.

Section 3.2. There shall be a council which shall consist of the chair, vice-chair, secretary, treasurer, and 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 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. 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, except that a vacancy in the position of one of the three most recent past chairs shall remain vacant.

## 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.

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 4.3. 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.

## 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 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.

## 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. 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.

Section 8.4. 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 or special 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.

Amended on December 5, 2009, by a unanimous vote.

Christopher Walter  
Chair  
December 5, 2009

Teresa Cain  
Acting Secretary and  
Past Chair  
December 6, 2009

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

Anne M. Pike  
Vice-Chair  
June 17, 1998

Charles Spain  
Secretary  
16 June 1998

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

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

Charles Spain  
Chair  
17 June 1999

John Adcock  
Secretary  
June 17, 1999

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

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

Charles Spain  
Chair  
23 June 00

John Adcock  
Secretary  
June 23, 2000

Amendments approved by the State Bar board of directors for approval on September 22, 2000.

Amended on June 14, 2002, by a unanimous vote.

John Nechman  
Vice-Chair  
June 14, 2002

Charles Spain  
Acting Secretary  
14 June 2002

Amendments approved by the State Bar board of directors on September 20, 2002.

Amended on June 13, 2003, by a unanimous vote.

John Nechman  
Chair  
13 June 2003

Kent Rutter

Acting Secretary  
13 June 2003

Amendments approved by the State Bar board of directors on January 23, 2004.

Amended on June 25, 2004, by a unanimous vote.

Rick Thompson  
Chair  
June 25, 2004

Amendments approved by the State Bar board of directors on April 8, 2005.

## **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 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.



BYLAWS OF THE ~~SEXUAL ORIENTATION AND GENDER~~  
~~IDENTIFICATION ISSUES~~ LGBT LAW 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~~ LGBT Law 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.

ARTICLE II

Membership

Section 2.1. Each member must pay annual dues of \$20.00. 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. 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.

Section 3.2. There shall be a council which shall consist of the chair, vice-chair, secretary, treasurer, and 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 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. 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, except that a vacancy in the position of one of the three most recent past chairs shall remain vacant.

## 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.

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 4.3. 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.

## 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 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.

## 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. 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.

Section 8.4. 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 or special 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.

Amended on December 5, 2009, by a unanimous vote.

_____	<u>Christopher Walter</u>
_____	<u>Chair</u>
_____	<u>December 5, 2009</u>

_____	<u>Teresa Cain</u>
_____	<u>Acting Secretary and</u>
_____	<u>Past Chair</u>
_____	<u>December 6, 2009</u>

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

Anne M. Pike  
Vice-Chair  
June 17, 1998

Charles Spain  
Secretary  
16 June 1998

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

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

Charles Spain  
Chair  
17 June 1999

John Adcock  
Secretary  
June 17, 1999

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

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

Charles Spain  
Chair  
23 June 00

John Adcock  
Secretary  
June 23, 2000

Amendments approved by the State Bar board of directors for approval on September 22, 2000.

Amended on June 14, 2002, by a unanimous vote.

John Nechman  
Vice-Chair  
June 14, 2002

Charles Spain  
Acting Secretary  
14 June 2002

Amendments approved by the State Bar board of directors on September 20, 2002.

Amended on June 13, 2003, by a unanimous vote.

John Nechman  
Chair

13 June 2003

Kent Rutter  
Acting Secretary  
13 June 2003

Amendments approved by the State Bar board of directors on January 23, 2004.

Amended on June 25, 2004, by a unanimous vote.

Rick Thompson  
Chair  
June 25, 2004

Amendments approved by the State Bar board of directors on April 8, 2005.

## **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 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.