

**OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
Amarillo, Texas
September 24, 1999**

The Board of Directors of the State Bar of Texas met in regular session on September 24, 1999 at the Ambassador Hotel in Amarillo, Texas. The meeting was called to order by Chair David Keltner, and the roll was called by Executive Director Antonio Alvarado. Board members and liaisons having excused absences from the meeting were: Joel Androphy, Sharon Freytag, Vidal Martinez, Judge Mike McCormick, and Hubert Oxford.

1. SWEARING IN OF NEW DIRECTOR

Justice Craig T. Enoch administered the oath of office to Amy Karff Halevy, Board member from Houston. Traditional pendants were presented to Halevy and also to new Judicial Section Liaison Chief Justice Marilyn Aboussie.

2. APPROVAL OF ITEMS ON THE CONSENT AGENDA

Chair David Keltner indicated that a revision had been made to the materials submitted by the Labor and Employment Law Section and was distributed at the meeting. Also, the report from the Legal Services to the Poor in Civil Matters Committee would be pulled from the Consent Agenda and presented during the regular agenda. Noting those two exceptions, the following items on the Consent Agenda were approved after motion was made by Jerry Selinger and seconded by Tom Carr:

- A. Minutes of Board meeting conducted on *June 10, 1999*
- B. Ratification of actions taken by the Executive Committee at the meeting(s) conducted on --

July 1, 1999: (1) Approved September 9, 1998 Executive Committee minutes; (2) approved appointment of profiling committee to meet with the Commission for Lawyer Discipline to come up with criteria and job descriptions for both the new General Counsel and new Chief Disciplinary Counsel - Tim Sulak, chair/CDC portion, with members Richard Miller and Elizabeth Lang-Miers; and Joel Androphy, chair/GC portion, with members Richard Trevathan and Hubert Oxford; (3) approved expenditure of up to \$150,000 to remodel rooms 101-102, Texas Law Center; (4) approved expenditure of funds regarding State Bar's technology issues, with a ceiling of \$500,000; (5) approved appointment of Dawn Miller as interim/acting General Counsel and Chief Disciplinary Counsel for the State Bar until the Chief Disciplinary Counsel is appointed, at an annualized salary of \$90,000 with a review of that salary every 90 days pending this matter being brought before the Board at its September meeting.

September 10, 1999: Approved July 1, 1999 Executive Committee minutes

- C. Appointments to the following entities:
 - 1) Delegates and alternates to the 2000 Fifth Circuit Judicial Conference:

Delegates:

Richard Pena
Elizabeth D. Whitaker
Raymond L. Thomas

Alternates:

W. Frank Newton
Guy N. Harrison
Melody Wilkinson

Others:

Charles F. Aycock
Lynne Liberato
Antonio Alvarado

2) 1999-2000 Special Committee to Nominate ABA Delegates:

Richard Pena, Chair

(by Pres. Aycock:)

Preston H. Dial, Jr. (San Antonio)
Charles R. Dunn (Houston).
R. Kinnan Golemon (Austin)
Jerry Secrest (Temple)

(by Chair Keltner:)

Kim J. Askew (Dallas)
Santiago Salinas (Fort Worth)
Alex Acosta (El Paso)
Carroll G. Robinson (Houston)

3) Coastal Bend Legal Services Corp., reappointed for two-year term effective January 2000 through January 2002:

G. Joseph Barrientos (Corpus Christi)

4) State Commission on Judicial Conduct, for six-year term effective November 20, 1999 through November 19, 2005:

Wallace Jefferson (San Antonio)

5) Section Coordination Committee, reappointed for two-year terms expiring June 2001:

John A. Coselli (Houston)
Elizabeth N. Miller (Austin)

D. Revision to Board policy manual regarding: *(See exhibit A.)*

Appendix E:

- 1) purpose clause of the newly created standing Board committee - Disciplinary/Disability System Oversight
- 2) revision to purpose clause of the General Counsel Oversight Committee
- 3) name change of the Long Range Planning Committee to the Strategic Planning Committee

Subsections 9.04.01D/E and 9.04.02A/B (as recommended by Minority Representation Committee) regarding Minority Members of the Board of Directors.

E. Resolution re Family Law Section: *Be it resolved that the Family Law Section be given authority to hold its annual meeting in May 2000 at the State Bar of Texas Marriage Dissolution Course to be held in Fort Worth*

F. Request(s) by section(s) to hold annual meeting other than in conjunction with the annual meeting of the State Bar

G. Amendments to the bylaws of the following sections:

- 1) **Administrative & Public Law Section: *Change to Article II, Section 1 (See exhibit B.)***
 - 2) **Labor and Employment Law Section: *Changes to Article VI, Sections 7 and 8 (See exhibit C.)***
 - 3) **Legal Assistants Division: *Changes throughout (See exhibit D.)***
 - 4) **Sexual Orientation and Gender Identification Issues Section: *Changes throughout (See exhibit E.)***
 - 5) **Women And The Law Section: *Article III, Sections 3 and 5, and contingent on the section incorporating the exact language of board policy subsection 6.02.06D on fiscal information and subsection 6.02.02A on political/social advocacy in their proposed bylaws (See exhibit F.)***
- H. **Oil, Gas & Mineral Law Section's request that the State Bar join the Rocky Mountain Mineral Law Foundation and that the Oil, Gas & Mineral Law Section act as its representative**
- I. **Remodeling plans involving facilities at the Texas Law Center in Austin and authorization for expenditures (See exhibit G.)**
- J. **Resolution honoring Clyde Fillmore (Wichita Falls) (See exhibit H.)**

3. CHAIR OF THE BOARD ELECTION

Chair Keltner indicated that because the results of the referendum had not been ratified by the Supreme Court, consideration for the Chair-elect position would not take place. Keltner indicated that two members had already verbally indicated intent to run: Claude Ducloux (Austin) and Richard T. Miller (San Saba). Other second-year directors who want to be considered as candidates for the 2000-2001 Chair of the Board election need to write a letter of intent and address it to the Chair before the January 2000 Board meeting.

4. REPORT FROM THE PRESIDENT

A. Client-Attorney Assistance Program

At President Charles Aycock's request, Strategic Planning Division Director Don Jones gave a status report on the CAAP Program pilot program, which would begin receiving calls from the public in the Travis-county area on September 27. Jones introduced Constance Miller, newly hired as the director of the CAAP.

B. State Bar Committee Review

President Aycock stressed the importance of the committee review process currently underway of State Bar standing and special committees. Executive Director Alvarado gave a report on the process and indicated that teams consisting of Board members and staff had been formed to review the committees for the purpose of making recommendations to the Executive Committee and subsequently to the Board at its January 2000 meeting. The review process would include collecting information regarding when the committees were founded, their purposes, activities, meetings, and productivity and comparing them with the State Bar Act, the Strategic Plan and Long Range Goals to determine if the activities are within the scope of the Bar's goals. President Aycock stressed that the teams should look at the viability of the committees, whether some committees could be refocused, combined, formed into subcommittees or eliminated. Team assignments/pairings were distributed during the Board meeting.

5. REPORT FROM THE EXECUTIVE DIRECTOR

Executive Director Alvarado's report included CAAP, committee review, Texas Law Center building and facilities remodeling and upgrades (including Rooms 101/102 and atrium areas), technology, Y2K compliance (including highlighting the most vulnerable areas - MCLE, Membership, Grievance), budgetary/departmental spending plans, security, and personnel issues. Alvarado indicated that the Administrative Oversight Committee will be asked to look at such issues as staff compensation, retention, and training.

Molly Steele moved that the Executive Director be authorized to make decisions related to Y2K compliance issues subsequent to the next Board meeting, subject to ratification by the Board. Properly seconded, the motion passed. Chair Keltner clarified that the Board had ratified a ceiling of \$500,000 for Y2K related expenditures.

6. BOARD COMMITTEES

A. Administrative Oversight Committee

1) Performance Objectives - Executive Director

On behalf of the Administrative Oversight Committee, Dan Pozza moved approval of the 1999-2000 performance objectives for the Executive Director. The motion passed. (See exhibit I.)

2) Closed Session - Personnel Issues

(Closed Session)

As authorized by Texas Government Code, Section 551.074, the Board met in closed session for the purpose of discussing personnel matters including but not limited to salary for General Counsel and Separate Chief Disciplinary Counsel.

(Open Session)

Upon return to open session, Chair Keltner announced that during the closed session, pursuant to Texas Government Code, Section 551.074 - only personnel matters pertaining to salary for General Counsel and Separate Chief Disciplinary Counsel were discussed. No action was taken in closed session.

JoAl Cannon-Sheridan moved approval of the recommendation for the salary [range] of the Chief Disciplinary Counsel at \$100,000 - \$120,000 and for the General Counsel, from \$80,000 - \$100,000; and to accept the recommended profiles of the two positions. Properly seconded, the motion passed. (See exhibit J.)

B. Appeals-Grant Review Committee

1) Appeal by Gary L. Wickert

Tom Carr reported that an appeal had been received from Gary L. Wickert (Hartford, Wisconsin) regarding an MCLE Committee decision to deny accreditation of a CLE activity. **On behalf of the Appeals-Grant Review Committee, Tom Carr moved that the Board uphold the decision of the MCLE Committee**

denying CLE credit to the program proposed by Mr. Wickert. Carr indicated that the substance of the program did not meet the criteria of the MCLE Committee, the policy of the Board, and also that the appeal had been received late. **The motion passed.**

2) Grants

Carr reported that the following grants had been reviewed by the committee and **approved** for submission to the Texas Bar Foundation:

- a) *We the Jury*: (\$35,000) Sponsor: TYLA
- b) *Needs of Senior Citizens*: (\$15,000) Sponsor: TYLA
- c) *Child Witness Video* (as yet untitled): (\$15,000) Sponsor: TYLA
- d) *The Fading Sound of Gideon's Trumpet: The Current Crisis in Indigent Criminal Defense in Texas* (A Symposium on current and future means of representing indigents and low income people charged with crimes in Texas): (\$30,000) Sponsor: SB Committee on Legal Services to the Poor In Criminal Matters
- e) *Representing Battered Spouses in Custody and Visitation Matters Workshop* (\$21,025) Sponsor: Texas Lawyers Care State Support Project/SBOT

Another grant had been reviewed by the committee, but **denied** approval for submission to the Texas Bar Foundation: *Equal Justice Conference* (\$12,500) Sponsor: Texas Lawyers Care/SBOT - in partnership with the Houston Bar Association Local Host Committee. In response to question, Carr indicated that denial was based on the proposed use of the funds, and that the sponsor could resubmit the application.

C. Audit and Finance Committee

Audit and Finance Committee Chair Scott Rozzell indicated that the Bar had completed the 1998-1999 year showing revenues exceeding expenditures by approximately \$40,000. Rozzell presented an overview of the financial statement ending August 31, 1999, highlighted significant variances in the General Fund and summarized the investment performance. Recommendations regarding auditing services should be available at the April Board meeting.

D. Facilities & Equipment Committee

(Closed Session)

As authorized by Texas Government Code, Section 551.072, the Board met in closed session regarding purchase, exchange, lease or value of real property to discuss disposition of the Print Shop building and a plan for leasing space as of April 2000.

(Open Session)

Upon return to open session, Chair Keltner announced that during the closed session, pursuant to Texas Government Code, Section 551.072 - only the disposition of the Print Shop building and a plan for leasing space as of April 2000 were discussed. No action was taken in closed session.

On behalf of the Facilities & Equipment Committee, Daniel Hu moved approval of the recommendations [regarding sale of the print shop, lease arrangements for storage and office space

for Chief Disciplinary Counsel, and moving Books & Systems, TBLS and IOLTA from the bank building to the Law Center] with one correction: "Lease options will be explored with a goal of moving in ~~August~~ April 2000." The motion passed. (See exhibit K.)

Hu also indicated that the committee would review and make recommendation regarding the atrium/lobby area of the Law Center.

E. Legal Services Committee

On behalf of the Legal Services Committee, JoAl Cannon-Sheridan moved approval of the revisions to the Board Policy Manual, subsection 14.01.04, noting corrections to the last sentence in paragraph D - that the words "serviced" be changed to "served"; and the Operating Rules that govern the Lawyer Referral Information Service. The application form would also change. According to Cannon-Sheridan, the proposed revisions reflect the changes to the LRIS as approved by the Board at its April 16, 1999 meeting (i.e., deletion of malpractice insurance requirement and decrease of application/renewal fee for participation to \$50 with a credit of \$15 for each Class A pro bono case handled by the participating lawyer, up to a maximum of three cases). Target date for implementation is January 2000. **The motion passed. (See exhibit L.)**

F. Strategic Planning Committee

Claude Ducloux discussed the council system of reorganizing the committees of the Bar, the concept of which had been approved by the Board at its June 1999 meeting. Basically, the process would involve having the State Bar entities report to the councils, which would then report to the Board. Any new initiative would be reviewed by the councils for overlap, duplication, and financial impact. Adoption of the process for implementation would be recommended at the January Board meeting.

[Discussion regarding the Civility and Futures Committees was delayed until the January Board meeting.]

7. LEGAL SERVICES TO THE POOR IN CIVIL MATTERS COMMITTEE

Legal Services to the Poor in Civil Matters Committee Chair Bonnie Ericson requested **that the committee be allowed to make a \$2000 donation to the Houston Bar Association to help host the ABA 2000 Pro Bono activities (Houston, April 2000). Gib Walton moved Board approval to that effect; second by Andrea Bryant. Walton and Bryant accepted an amendment to limit the donation to help host the program and not the social events. The motion passed.**

8. OTHER REPORTS

A. Unauthorized Practice of Law Task Force

(Via telephone conference) UPL Task Force member Gregory Huffman gave a brief history of the task force, appointed in January 1999 by then President Richard Pena to review how the practice of law was regulated in Texas, but which changed focus to multi-disciplinary practice upon issuance of the ABA report in June, from the attorney and the consumer perspectives. The task force anticipates presenting an extensive report to leadership in October or November 1999.

Richard Miller indicated that skills, technology, and training were needed by attorneys in order to compete with alternate service providers. The UPL Task Force has resolved to recommend to the Board that it

appoint and charge a committee with developing a plan to commit State Bar resources to approve technology. Miller stated that lawyers need particular technology in their practice to become more efficient, effective and competitive in serving the public. Chair Keltner indicated that such a plan may be very expensive and perhaps could be undertaken with another provider, thus eliminating risk to the State Bar. Section Representative to the Board Scott Sheehan interjected that the challenge exists in trying to protect attorneys - so they would get hired to do the work (e.g., limiting certain software, technical advancements/information to attorneys) - and providing information for the public.

B. Commission for Lawyer Discipline

1) General Report

Commission Chair David Evans reported that: (1) the Supreme Court has signed an Order reappointing Lon Carpenter and appointing former Board Director Cynthia Cabaza as public members on the Commission; (2) the Commission had met jointly with the Board's Disciplinary/Disability System Oversight Committee to discuss administrative matters; (3) a complete review of the grievance process would be undertaken (including Commission, Board and Supreme Court oversight committees) and a preliminary draft of the report would be presented by the June 2000 Board meeting.

2) Pending Litigation

(Closed Session)

As authorized by Texas Government Code, Section 551.071, the Board met in closed session for the purpose of discussing pending litigation, to discuss litigation brought by plaintiff Jack Swisher against the State Bar and various entities, including: 1999-0178, 1999-02661, 1999-2662, 1999-15727, 1999-15728, 1999-23000, 1999-26098, 1999-26730, 1999-26731, 1999-27029, 1999-27041, 1999-27042, 1999-27170, 1999-27171, 1999-28289, 1999-25929, 1999-29530 in district courts in Harris County, and H-98-0431 in federal court in Houston.

(Open Session)

Upon return to open session, Chair Keltner announced that during the closed session only potential or pending litigation pursuant to Texas Government Code, Section 551.071 was discussed. No action was taken in closed session and no matters that are covered by Section 6.05 of the Texas Disciplinary Rules were discussed.

C. Texas Young Lawyers Association

TYLA President Raymond Thomas reported on the various awards presented by the ABA to the TYLA and also about the many activities currently underway, including the colonia assistance and specialty license plate projects.

D. Supreme Court Liaison

Justice Craig T. Enoch reported that key executive salaries relative to the judicial salaries was not an issue with Supreme Court justices; however, the issue could be used politically to spark criticism of Bar management.

Justice Enoch also reported that the Court had asked the UPL Committee to review the multi-disciplinary issue, and while the Court does not have a position, it is concerned with the issues that are encapsulated in the ABA's report about one-stop shopping. The task force is charged with making recommendation on what should be done about the issues involved.

E. Federal Judicial Liaison

Judge Sparks' comments included dire concern about the disciplinary system expenditures and lack of results, which may affect the outcome of the integrated Bar during the next Sunset review.

F. Judicial Section Liaison

Chief Justice Marilyn Aboussie reminded the members about the Judicial Conference scheduled in Austin, September 26 - 29, and indicated that the Judicial Section had recently changed the terms of its liaison to the Board to coincide with that of the Board - from June to June annual meetings.

G. Out-of-State Lawyer Liaison

MG Walt Huffman reported that in response to his survey, out-of-state lawyers expressed difficulty in obtaining the required CLE credits and a feeling of isolation. Huffman encouraged President Aycock and Immediate Past President Richard Pena to visit Washington, DC to visit with the out-of-state attorneys; and cautioned the Board to provide a vote for the out-of-state representative during the next Sunset process.

H. Section Representatives to the Board Committee

Section Representatives to the Board Committee members Richard Orsinger (Appellate Law), Renato Santos (Hispanic Issues), and Scott Sheehan (Business Law) attended the meeting. Sheehan broached the subject of multi-disciplinary practice and also reminded the Board that the sections are voluntary memberships formed primarily for CLE and practice development. At the request of the Council of Chairs Committee members, Sheehan stressed the need for Board advisors to attend section meetings.

Chair Keltner indicated that a report would be published quarterly to show Board section advisors' attendance habits and that a review of Board policy would be made to determine possible recommendations regarding section advisor-related absences and continuation as Board member. Scott Rozzell expressed concern that sections have scheduled meetings in conflict with Board meetings, and requested consideration in that regard. Concern also was expressed about the lack of meeting notices being sent by some sections to the advisors.

I. Immediate Past President

Immediate Past President Richard Pena gave a brief report about the initiative begun last year to restore public trust and confidence in the legal profession, and which - at President Aycock's request - he was spearheading again this year. The media response teams are being formed and volunteers from small cities are needed, as well as public members from larger cities. Keep Justice Alive Week is scheduled for November 15 and 19th. Pena also encouraged the Bar's participation in extending the Michael Black radio talk show nationwide.

There being no further business or remarks from the public, the meeting was adjourned.

EXHIBITS ATTACHED

- EXHIBIT A: Revisions to Board Policy Manual - Appendix E, Subsections 9.04.01D/E and 9.04.02A/B
- EXHIBIT B: Administrative & Public Law Section: *Change to Article II, Section 1*
- EXHIBIT C: Labor and Employment Law Section: *Changes to Article VI, Sections 7 and 8*
- EXHIBIT D: Legal Assistants Division: *Changes throughout*
- EXHIBIT E: Sexual Orientation and Gender Identification Issues Section: *Changes throughout*
- EXHIBIT F: Women And The Law Section: *Article III, Sections 3 and 5*
- EXHIBIT G: Remodeling Plans Involving Facilities at the Texas Law Center in Austin
- EXHIBIT H: Resolution Honoring Clyde Fillmore (Wichita Falls)
- EXHIBIT I: Performance Objectives for the Executive Director
- EXHIBIT J: Profiles for Chief Disciplinary Counsel and General Counsel Positions
- EXHIBIT K: Facilities & Equipment Committee Recommendations Regarding Sale of the Print Shop, Lease Arrangements and Moves]
- EXHIBIT L: Revisions to Board Policy Manual, Subsection 14.01.04 - Lawyer Referral Service; Lawyer Referral Service Information and Service Rules, Application Form, Disclosure

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STATE BAR OF TEXAS 1999-2000 OFFICERS, DIRECTORS, LIAISON & EX-OFFICIO MEMBERS

OFFICERS

President	Charles F. Aycock
President-elect	Lynne Liberato
Immediate Past President	Richard Pena

EXECUTIVE COMMITTEE

Charles F. Aycock	President
Lynne Liberato	President-elect
Richard Pena	Immediate Past President
David E. Keltner	Chair of the Board
Elizabeth D. Whitaker	Immed. Past Chair of the Board
Paddy Lann Burwell	Public Member
Adelfa B. Callejo	Minority Member
JoAl Cannon-Sheridan	Elected Member
Claude E. Ducloux	Elected Member
Sharon N. Freytag	Elected Member
Jo Ann Merica	TYLA Immed. Past President
Richard T. Miller	Elected Member
Daniel V. Pozza	Elected Member
Scott E. Rozzell	Elected Member
Timothy M. Sulak	Elected Member
Raymond L. Thomas	TYLA President
Melody M. Wilkinson	TYLA President-elect

EX-OFFICIO MEMBERS OF EXECUTIVE COMMITTEE

Antonio Alvarado	Executive Director
Dawn Miller	Interim/Acting General Counsel
Justice Craig T. Enoch	Supreme Court of Texas Liaison

ELECTED DIRECTORS OF THE BOARD

David E. Keltner, Chair of the Board

Joel M. Androphy	Elizabeth Lang-Miers	T. Scott Smith
JoAl Cannon-Sheridan	John H. Miller, Jr.	Sid Stahl
Tom Carr	Richard T. Miller	Molly Steele
Joseph Casseb	Kerry L. Neves	Timothy M. Sulak
Claude E. Ducloux	Hubert Oxford III	Kent C. Sullivan
Harper Estes	Neale Potts	Steve Suttle
Angel Z. Fraga	Daniel V. Pozza	Richard Trevathan
Sharon N. Freytag	Gary Reaves	D. Gibson Walton
Amy Karff Halevy	Scott E. Rozzell	Mark D. White
Richard S. Hoffman	Jerry R. Selinger	

MINORITY MEMBERS OF THE BOARD

Andrea Pair Bryant	Adelfa B. Callejo	Daniel David Hu
	Vidal G. Martinez	

PUBLIC MEMBERS OF THE BOARD

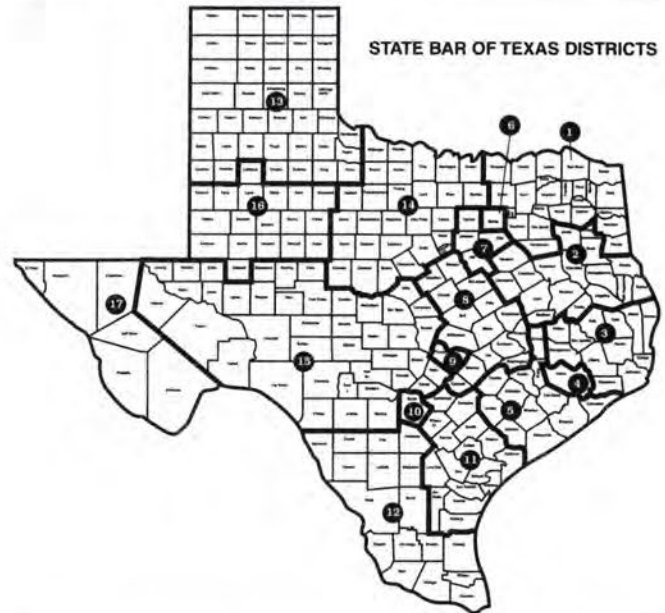
Loretta Banowsky	Paddy Lann Burwell	George Edwards, Jr.
Elsie L. Huang	Phyllis S. Jones	Mary Evans Sias, Ph.D.

TEXAS YOUNG LAWYERS ASSOCIATION MEMBERS OF THE BOARD

Raymond L. Thomas	President
Melody M. Wilkinson	President-elect
Jo Ann Merica	Immediate Past President

LIAISON MEMBERS TO THE BOARD

Justice Craig T. Enoch	Supreme Court Liaison
Presiding Judge	
Michael J. McCormick	Court of Criminal Appeals Liaison
Judge Sam Sparks	Federal Judicial Liaison
Judge Cynthia Kent	Judicial Section Liaison (thru 9/99)
Chief Justice Marilyn Aboussie	(eff. 9/99)
Major General Walter B. Huffman	Out-of-State Lawyer Liaison



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 - 2nd 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 - 2nd year

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

DISTRICT 3: Hubert Oxford III, Beaumont - 3rd year

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

DISTRICT 4: Joel M. Androphy, Houston - 3rd year; Angel Z. Fraga, Houston - 1st year; Amy Karff Halevy, Houston - 1st year; Scott E. Rozzell, Houston - 3rd year; Kent C. Sullivan, Houston - 1st year; Richard Trevathan, Houston - 2nd year; D. Gibson Walton, Houston - 1st year Harris County

DISTRICT 5: Kerry L. Neves, Galveston - 3rd year

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

DISTRICT 6: Sharon N. Freytag, Dallas - 3rd year; Elizabeth Lang-Miers, Dallas - 1st year; Jerry R. Selinger, Dallas - 2nd year; Sid Stahl, Dallas - 1st year; Molly Steele, Dallas - 2nd year Dallas County

DISTRICT 7: Tom Carr, Fort Worth - 2nd year; David E. Keltner, Fort Worth - 3rd year Ellis, Hill, Johnson and Tarrant Counties

DISTRICT 8: Neale Potts, Belton - 2nd year

Bastrop, Bell, Bosque, Brazos, Burleson, Caldwell, Coryell, Falls, Hamilton, Lee, Milam, McLennan, Robertson, Washington and Williamson Counties

DISTRICT 9: Claude E. Ducloux, Austin - 2nd year; Timothy M. Sulak, Austin - 3rd year Travis County



Resolution

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

SECTION 1. The bylaws of this section are amended to read as follows:

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 ~~[this]~~ the section is to:

- (1) promote the study of gay, lesbian, bisexual, ~~[transgendered]~~ 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]~~ 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, ~~[and transgendered]~~ or transgendered, as well as people who are living with HIV; and
- (4) take action regarding these matters, subject to ~~[the]~~ these bylaws ~~[of this section]~~ 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 ~~[of the section]~~ must pay ~~[to the treasurer of the section]~~ 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.

Section 2.2. Any member of the State Bar of Texas ~~[upon request to the secretary of the section and upon]~~, on payment [to the treasurer of dues for] of the current year's dues, shall be enrolled as a member of this section; thereafter, dues must be paid in advance each year ~~[beginning on July 1]~~.

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

ARTICLE III

Officers

Section 3.1. The officers ~~[of this section are as follows:]~~ are the chair[;], vice-chair[;], secretary[;], and treasurer. The initial officers ~~[of this section]~~ shall be:

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

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 ~~[must]~~ shall be ~~[nominated]~~

~~and~~] elected at each annual meeting of ~~[this]~~ 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 ~~[of the section]~~, 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 ~~[of the section]~~, two members of the council shall be nominated and elected to serve for one year, and two for two years ("year," as herein used, ~~[meaning]~~ 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 ~~[of this section]~~, respectively), or until their successors have been elected and qualified. Thereafter, ~~[upon]~~ on the expiration of each of these initial terms, two members of the council shall be elected at each annual meeting ~~[of the section]~~ 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 ~~[of the section]~~, or until their successors have been elected and qualified.

Section 3.5. If any officer or ~~[elected]~~ member of the council fails to attend three successive meetings of the council, the ~~[office]~~ 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~~[-and the]~~. The council shall fill the vacancy for the unexpired term pursuant to ~~[article VI,]~~ section 6.3 ~~[of these bylaws]~~.

ARTICLE IV

Nomination and Election of Officers and Members of the Council

Section 4.1. Nominations. Before each annual meeting ~~[of the section]~~, the chair shall appoint a nominating committee of three members ~~[of the section]~~. 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 ~~[office]~~ 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. ~~Upon~~ On the death, resignation, or during the disability of the chair, or ~~upon~~ 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 ~~[books, papers,]~~ 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 ~~[bank statements, along with all cancelled checks and deposit slips and the check register]~~ 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 ~~[the]~~ these bylaws ~~[of this section]~~. 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 ~~[section]~~ 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 ~~[of the section]~~, 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 ~~[of the section]~~, or until their successors have been elected and qualified.

Section 6.4. Members of the council, when ~~[personally]~~ 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 ~~[of the section]~~ may, and ~~[upon]~~ 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 ~~[upon]~~ 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 ~~[of these bylaws]~~ constitutes the vote of the council the same as if the vote was conducted under ~~[article VI,]~~ section 6.4 ~~[of these bylaws]~~.

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-]~~ 6.8. The initial ~~[council members]~~ 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 ~~[of the section]~~ 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 this section] of the council~~ ~~[except that actual expenses of the section's officers may be reimbursed if approved by 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 ~~[this]~~ 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.

ARTICLE IX

Amendments

Section 9.1. These bylaws may be amended at any annual meeting ~~[of the section]~~ by a majority vote of the members ~~[of the section]~~ 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.

SECTION 2. Additions to the bylaws are indicated by underlining, or in the case of article headings, by double underlining. Deletions are indicated by ~~[bracketing and striking out]~~.

Adopted on the 12th day of June, 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

Amended on the 11th day of June, 1999, by a unanimous vote.

/s/ Charles Spain
Chair

17 June 99
Date

/s/ John Adcock
Secretary

June 17, 1999
Date