

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
Four Points Hotel by Sheraton, Brownsville, TX  
April 21, 2006**

The Board of Directors of the State Bar of Texas met in a regular session on April 21, 2006, at the Sheraton Four Points in Brownsville, Texas. Chair of the Board Tom Godbold called the meeting to order at 8:30a.m., and Executive Director John Edwards called the roll. A quorum of voting Board members was present. Tom Godbold delivered the invocation. President Rodriguez introduced Brownsville mayor Eddie Trevino and county Judge Gilbert Hinojosa, who made welcome remarks. Justice Wainwright performed the swearing-in of new Board member Tim Mountz.

***Present:***

**Board Members:** Judge Ernie Aliseda, Michael D. Atkins, Dr. Fred E. Aurbach, Cynthia J. Barela, Demetrius Bivins, Michael J. Black, Robert A. Black, Ronald E. Bunch, Russell G. Burwell, Michael Connelly, Judge Jim Coronado, Karin R. Crump, Martha S. Dickie, J. David Dickson, John D. Ellis, Jr., F.R. (Buck) Files, Jr., Kelly Frels, Rodolfo Garcia, Lloyd M. Garland M.D., Tom Godbold, David O. Gonzalez, Jim Hall, Rhonda F. Hunter, Roland K. Johnson, Bill Kroger, Michael D. Marin, David R. McAtee (*arrived at 11:20a.m.*), Robert D. Miller, Timothy W. Mountz, Carmen I. Perez, Mickey R. Redwine, Lee Ann Reno, Rocky Robinson, Eduardo Roberto Rodriguez, Elizabeth Rogers, Laura Bellegie Sharp, N. Henry Simpson III, Michael C. Smith, Sandra L. Stewart, G. Allan Van Fleet, Travis Vanderpool, Michele Wong-Krause

**Liaisons\*:** Joette Furlough, Judge Michael H. Schneider, Justice Dale Wainwright, Judge Laura Weiser

**Section Representatives\*:** Pat E. Allison, W. David East, Carolyn F. Moore, Judy L. Ney, Stephen J. Smith, Lisa M. Tatum

**Ex Officio\*:** John Edwards, William D. Elliott, Patricia A. Moore, John A. Neal

**Excused Absences:** Edward F. Fernandes, Pauline E. Higgins, G. Thomas Vick, Jr.

(\* = *nonvoting*)

1. REPORT FROM THE SUPREME COURT LIAISON: Supreme Court Justice Dale Wainwright had to leave early and therefore gave his report at the beginning of the meeting. Wainwright noted that the moratorium on the prosecution for Unauthorized Practice of Law of lawyers displaced as a result of the hurricanes ends May 31, 2006, and the deadline cannot be extended; the registration requirement included providing contact information of the lawyers, and the Court will discuss getting notice out to those lawyers that the deadline is coming. Jack Balasia was appointed as an arbiter between the Grievance Oversight Committee and the Commission for Lawyer Discipline, and his report has been review by both. The Court is looking forward to hearing more on the mentoring program as presented by Judge Doug Lang.

2. REPORT FROM THE CHAIR OF THE BOARD

A. Consent Agenda Items:

I. **Upon motion properly made by Michele Wong-Krause and seconded by Michael Smith, the following minutes were approved:**

- a. Approved the minutes of Board meetings conducted on *January 20, 2006*
- b. Ratified actions taken at the following Executive Committee meetings:

1.) *April 4, 2006*: Approved minutes of the January 11, 2006 Executive Committee meeting

II. **Upon motion properly made by Allan Van Fleet and seconded by Michele Wong-Krause, the following consent agenda items were approved:**

a. Approved the appointments by President Eduardo Roberto Rodriguez to the following entities:

**1. Commission for Lawyer Discipline:**

1) for terms September 1, 2006 through August 31, 2007:

**Chair: Betty Blackwell (Austin)**

**Vice Chair: Orrin Harrison (Dallas)**

2) for three-year terms effective September 1, 2006 through August 31, 2009:

**Orrin Harrison (Dallas)**

**Frank Costilla, Jr. (Brownsville)**

3) to complete the unexpired term of Mark White, effective September 1, 2006 through August 31, 2008:

**Ronald Charles Lewis (Houston)**

**2. Law Focused Education, Inc.**, for two-year terms effective April 2006 through April 2008:

*Reappointment:*

**Joanne Galvan**

*New appointments:*

**Mario Martinez (El Paso)**

**Gracie Alamia Minyard (McAllen)**

**Steven Gwinn (Dallas)**

**Brad Gibson (Midland)**

**Lisa Sanders Richardson (Austin)**

**3. Texas Real Estate Broker/Lawyer Committee**, for unexpired term effective April 21, 2006 through August 31, 2007:

**William A. Faulk, Jr. (Brownsville)**

**4. Out of State Lawyer Liaison** (to State Bar Board of Directors), for three-year term effective June 2006 through June 2009:

**R.E. Thompson (Albuquerque, NM)**

**5. Resolutions Committee**, for terms expiring at the 2006 Annual Meeting:

1) Temporary Committee:

**Temp. Chair: SBOT Immediate Past Chair of the Board**

**- William D. Elliott (Dallas)**

**Temp. Vice-Chair: TYLA Chair**

**- William W. Miller, Jr. (Texarkana)**

**Temp. Secretary: Local Bar Leaders Cmte Chair**  
- **M. Sue Kurita (El Paso)**  
**Temp. Parliamentarian: Michael J. Black (San Antonio)**  
**Alternate: Russell G. Burwell, III (Texas City)**  
**Alternate: Hon. Jim Coronado (Austin)**

- 2) Review Committee:  
**William D. Elliott (Dallas)**  
**Roland Johnson (Fort Worth)**  
**Lee Ann Reno (Amarillo)**

**6. 2005-06 Special Committee to Nominate ABA Delegates**, to replace the appointment of Antonio Alvarado:

**Otway B. Denny Jr.**

b. Approved the following appointments by President-elect Martha Dickie:

1. State Bar committee chairs/vice-chairs to serve during the year 2006-07 per State Bar Rules, Act VIII, Section 1B (**Exhibit A**).

2. **Texas Bar Foundation's Board of Trustees:**

As liaisons 2006-07:  
**Cindi J. Barela (Amarillo)**  
**J. David Dickson (Waco)**

c. Items from State Bar Committees and Sections:

A. Approved the request by the State Bar Paralegal Division to amend its bylaws (**Exhibit B**)

d. Voted on top three nominees for President's Award, to be presented at the 2006 Annual Meeting:

**Benny Agosto, Jr.**  
**James Cornell**  
**Lulu Flores**  
**F. Ben Selman**  
**Randall O. Sorrels**

e. Approved TYLA President's appointment of Sergeants-at-Arms to serve at 2006 Resolutions Committee:

*(All appointees are from Austin)*  
**Jeff Edwards**  
**Kimberly Gregory**  
**Clint Harbour**  
**Lisa Richardson**  
**Mary Smith**

**Alternate: Laura Miles-Valdez**

f. Approved recipients for the pro bono awards to be presented at the Annual Meeting:

1) **Pro Bono Award: Houston Volunteer Lawyers Program**

- 2) **Frank J. Scurlock Award: John W. Alexander (Winnsboro)  
Sally L. Crawford (Dallas)**
- 3) **The J. Chrys Dougherty Legal Services Award: Veronica F. Jacobs  
(Houston)**
- 4) **W. Frank Newton Award: Akin, Gump, Strauss, Hauer & Feld, L.L.P.  
(Dallas)**

g. Approved the recipients for the Nancy Garms Memorial Award to be presented at the Annual Meeting:

**Dallas Bar Association Mock Trial Committee**

- h. Approved resolutions honoring: (Exhibit C)
- 1) **Asian Pacific Interest Section (10th Anniversary)**
  - 2) **Cameron County Bar Association**
  - 3) **Leo C. Salzman**
  - 4) **Teri L. Danish**
  - 5) **Hidalgo County Bar Association**
  - 6) **Pablo J. Almaguer**
  - 7) **Veronica Gonzales**

3. REPORT FROM THE CHAIR OF STANDING COMMITTEE ON STANDING PARALEGALS: Hon. Xavier Rodriguez reported on behalf of the Standing Committee on Paralegals, and noted that the recommendation has been approved by the Standing Committee and the paralegal division; last year the Board approved a name change from the term *legal assistant* to *paralegal*, and they are proposing three voluntary guidelines to be added to the definition.

**President Rodriguez moved to accept and adopt the recommendation of the committee on paralegals; Michael Black seconded. Motion carried. (Exhibit D)**

4. REPORT FROM THE PRESIDENT: Rodriguez reported that there has been a change in the tax bill with respect to doctors, in that their income from Medicaid or CHIP will not be counted as part of their income to process the fee.

A. Kelly Frels noted that material will be available from the Disaster Relief Task Force that will explain how to prepare, respond and recover from disaster, and other materials will show how other states have reacted in the past to disaster.

B. Demetrius Bivins reported that the *Ad Hoc* Committee to Select Minority Directors held interviews in January, and submitted two names to the President, one of which is up for ratification:

**President Rodriguez moved for approval of the appointment of Michelle Cheng (Austin) as minority member of the Board of Directors, for a three-year term effective June 2006; Michael Marin seconded. Motion carried.**

**C. President Rodriguez moved for approval of co-sponsorship of ABA resolution regarding public understanding of our system of government and the role of the Judiciary; Judge Jim Coronado seconded. Motion carried. (Exhibit E)**

**D. President Rodriguez moved for approval of co-sponsorship of the ABA resolution regarding improving diversity in the educational “pipeline” to the legal profession; Henry Simpson seconded. Motion carried. (Exhibit F)**

E. President-elect Martha Dickie reported there was a resignation of a member of the State Commission on Judicial Conduct, and thus a nominating committee was formed and required to make two nominations; Jorge Rangel (Corpus Christi) and Alejandro Acosta (El Paso). President Rodriguez recommended that the Board appoint Jorge Rangel to the position.

**Dickie moved for approval of the appointment of Jorge Rangel as the nominee for the State Commission on Judicial Conduct, for a six-year unexpired term effective December 20, 2005; Mickey Redwine seconded. Motion carried.**

F. **Closed Session:** At 9:18a.m., Chair Godbold 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 personnel matters including but not limited to the selection of the new General Counsel.

**Open Session:** Upon return to open session at 9:47a.m., Chair Godbold announced that during the closed session, only items pertaining to personnel matters were discussed. No action was taken in closed session.

**In open session, President Rodriguez moved for approval of the recommendation of the General Counsel Search Committee to hire Elizabeth Rogers (Austin) as new General Counsel of the State Bar of Texas; Elizabeth Rogers (Alpine) seconded. Motion carried. (Exhibit G)**

Elizabeth Rogers came forward and made thank you remarks.

#### 5. LIAISON REPORTS:

A. Federal Judicial Liaison Judge Michael Schneider reported that the federal judiciary had concerns about the budget constraints on the judiciary branch, i.e. increasing case loads vs. decreasing judicial personnel, rent paid to the General Services Association, and splitting the 9<sup>th</sup> district; Grey Miller will be an addition to the Southern district; and new Chief Judge Edith Jones will start in January.

B. Judicial Section Liaison Judge Laura Weiser reported that the judicial section met in April and are in the process of firming up their legislative priorities for the session; they will meet again at the Annual meeting, which they are looking forward to, especially for its' emphasis on the judiciary.

C. Out-of-State Lawyer Liaison Joette Furlough thanked the Board for their support during her daughter's incident; she will be bringing a proposal to the Board next year which streamlines the manner in which out-of-state lawyers fulfill their CLE requirements on an annual basis.

6. **CHAIR OF THE BOARD ELECTIONS: (Exhibit H)** Patricia Moore explained the balloting process for Chair of the Board and distributed the first round of ballots; Michael Connelly was dropped from the candidate list.

7. **NOMINATIONS & ELECTIONS SUBCOMMITTEE:** Kelly Frels reported that electronic voting was a success, there were 8500 votes cast this year, 2300 for TYLA, and results should be available on May 3; the candidates conducted a great campaign.

8. **ADMINISTRATION COMMITTEE: On behalf of the committee, Johnson moved for approval of the following (Exhibit I):**

A) **The concept of the Jaworski Plaza to be restored to its' original design, and the design concept of the Stewart Morris Board Room and adjoining meeting rooms as outlined** (including renovations such as moving the main entrance, putting in a drop-down ceiling, new lighting, and improved technology). **Motion carried.**

B) **The concept of the Parking Level 1 design** (including moving Annual meeting staff to P1). **Motion carried.**

Johnson also reported that there was an ADA audit on the Bar building for any corrective actions that are necessary, and all thirteen items have either been corrected or no action was needed except the restrooms on floors 2-6, which are still being worked through to meet ADA standards.

At this time, Patricia Moore noted that the second round of ballots indicated that Jim Hall was dropped from the Chair candidate list.

9. FINANCE SUBCOMMITTEE: Michael Connelly reported that we are nine months through the fiscal year and experiencing a favorable budget variance, with the general fund showing a 1.5 million dollar favorable budget variance, and half of those expenditures for salary and benefits. **On behalf of the subcommittee, Connelly moved for approval of the following (Exhibit J):**

- A) **Internal audit submitted by the Finance subcommittee. Motion carried.**
- B) **Investment policy** (including changes in title of Sheryle Patterson as Chief Financial Officer, and adding language stating “and/or another market valuation”). **Motion carried.**
- C) **Quarterly investment report for the period ending November 30, 2005 and February 28, 2006. Motion carried.**
- D) **Sprouse and Anderson as internal auditor, and Maxwell, Locke and Ridder as financial auditor. Motion carried.**
- E) **PFM Group as investment manager. Motion carried.**

Connelly also reported that the Finance committee has drafted guidelines for the use of contingency funds, for future use if necessary.

At this time, Patricia Moore noted that the third round of ballots indicated that Buck Files was dropped from the Chair candidate list.

10. BUDGET SUBCOMMITTEE: Martha Dickie reported that there was no public input at the public hearing, and the plan is to present the budget to the Supreme Court on May 9.

**On behalf of the subcommittee, Dickie moved for approval of the 2006-07 State Bar of Texas budget for presentation to the Supreme Court. Motion carried. (Exhibit K)**

11. APPEALS-GRANT REVIEW SUBCOMMITTEE: Russ Burwell reported that the subcommittee had one appeal from Carol Cantrell, who was denied certification in tax law by the Texas Board of Legal Specialization, and the subcommittee voted to uphold the decision by TBLS.

**On behalf of the subcommittee, Burwell moved for approval of the recommendation to deny the appeal and uphold the decision by TBLS. Motion carried. (Exhibit L)**

12. DISCIPLINE/CAAP SUBCOMMITTEE: Lisa Tatum reported that the Commission for Lawyer Discipline and CDC have been working together to look at additional methods to enhance the CAAP program so it can handle minor infractions as it relates to the CDC process under the new rules, part of which is setting up procedures and referrals into the CAAP program to resolve these minor infractions, and how to preserve confidentiality through this process.

**On behalf of the subcommittee, Tatum moved for adoption of the resolution regarding the Client Attorney Assistance Program. Motion carried. (Exhibit M)**

At this time, Patricia Moore noted that the majority votes indicated that the 2006-07 Chair of the Board is Bob Black, and Black came forward to give thank you remarks.

**13. POLICY MANUAL SUBCOMMITTEE: On behalf of the subcommittee, Bob Black moved for approval of the following (Exhibit N):**

A) **Amendment to policy manual section 3.07.01 concerning reimbursement for attendance at Board meetings** (that allows for reimbursement of a third night stay), **and new section 3.07.02** (for reimbursement of airfare for the spouse or companion of an officer). **Motion carried.**

B) **New policy manual section 1.12.01 concerning the presiding officer at Board meetings** (which states that “the Chair shall preside at all meetings of the Board; provided, however, that the President shall preside at such meetings in the absence of the Chair”). **Motion carried.**

C) **Amendment to section 3.10.01 concerning electronic advertising** (which adds the following sentence – “Nothing in this provision shall restrict the ability of divisions, sections, or the Texas Young Lawyers Association to govern the content of their websites, provided such content complies with the general guidelines established by the State Bar”). **Motion carried.**

D) **New policy manual section 1.22 concerning the procedure to amend the policy manual** (which recommends that any Board member, the Board, or a Board committee can seek an amendment to the policy manual, and provides a mechanism for implementing it). **Motion carried.**

E) **Amendment to section 1.15.01 and new section 1.15.02 concerning Executive Committee members** (which recommends the Executive Committee to consist of the five statutory members, and additional members appointed by the President not to exceed ten (10) and which, in consultation with the chair, should ensure adequate diversity and representation of the Board and TYLA). **Carmen Perez moved for a friendly amendment to add the words “Minority Directors” after ‘Board’ in 1.15.02; David Dickson seconded. Motion to amend carried.** After much discussion, **Sandy Stewart moved for an amendment to add the words “Public Members of the Board” following the just added ‘Minority Directors’; Judge Coronado seconded. Motion to amend carried.** **Lee Ann Reno moved for an amendment to add “leadership” after ‘TYLA’; Cindi Barela seconded. Original motion, with amendments, carried.**

At this time, the meeting recessed for lunch, and returned at 1:00pm. President Rodriguez recognized General Counsel Search Committee member Luis Garcia for his help with the process of hiring new General Counsel.

14. **Closed Session**: At 1:04p.m., Chair Godbold announced that the Board of Directors would meet in closed session, as authorized by Texas Government Code, Section 551.071 for the purpose of consultation with attorney.

**Open Session**: Upon return to open session at 2:16p.m., Chair Godbold announced that during the closed session, only advice of counsel and matters relating to advice of counsel was discussed. No action was taken in closed session. **In open session:**

- 1) **Bob Miller moved for approval of the recommendation to amend the bylaws of the Texas Legal Protection Plan relating to the removal of directors; Laura Sharp seconded.** Thomas Peterson spoke on the behalf of the Texas Legal Protection Plan. **Motion carried. (Exhibit O)**
- 2) **President Rodriguez moved for approval of the appointments of Roland Johnson (Fort Worth), Mike Huttleston (Dallas), and Jennifer Ramsey (Austin) to fill three vacancies currently of the Board of the Texas Legal Protection Plan; Michael Black seconded. Motion carried.**

President Rodriguez also noted that two of the four TLPP directors have asked not to be reappointed in June, two of them have asked to be reappointed, and Rodriguez does not intend to reappoint any of them.

At this time, President Rodriguez introduced Hon. Doug Lang, who spoke on behalf of a proposal for a pilot program to aid in the consideration of adopting a mandatory mentoring program, similar to that in Georgia; much discussion ensued.

15. REFERENDUM TASK FORCE: Laura Sharp reported that the subcommittee is not asking the Board for additional referendum items, but to resolve to request from the Supreme Court that they first take the three items that have been previously passed and look at them under their inherent powers, as opposed to requiring us to do a referendum, and allow the Executive Committee to go forward with the referendum on an appropriate timeline.

**On behalf of the task force, Sharp moved for approval of the resolution pertaining to the amendments to the Texas Rules of Disciplinary Procedure and amendments to the State Bar Rules. Motion carried. (Exhibit P)**

16. SECTION REPRESENTATIVES TASK FORCE: David Dickson thanked the Section Reps and members that worked with the task force this year; there were ten suggestions set forth and considered over the past year for the task force; Dickson recommended that the first three suggestions, regarding the Section Reps staying together, developing a mission statement, taking over the responsibilities of the Section Coordination Committee, and continuing to function on this Board, be the official directives as approved by the task force. A discussion followed on the reimbursement of Section Reps expenses.

17. TECHNOLOGY OVERSIGHT SUBCOMMITTEE: Carmen Perez reported that the committee has completed the IMIS project, the wireless upgrade project is currently being installed on the first and second floor, the document imaging project is occurring this May, and the printer replacement project is currently being installed; the committee also approved the purchase of collection software for accounting and the infrastructure project such as desktop/laptop leases and backup software upgrades along with mass email and software analysis services.

18. NEW DIRECTOR'S ORIENTATION: Michele Wong reported that the New Director's Orientation will be June 2-3 in Austin at the Four Seasons; all training will be conducted on Saturday, with the new directors attending the Supreme Court Historical Society dinner on Friday night.

19. PROFESSIONAL DEVELOPMENT SUBCOMMITTEE: Buck Files reported that Texas Bar CLE is \$364,000 ahead of schedule and should finish at year-end with a \$2 million plus profit. Files also thanked Pat Nester for his help with CLE, and noted that the subcommittee is working on developing online web casting, along with the approval of spending \$91,000 from the Book Fund to print the first volume of pattern jury charges for criminal cases.

20. LEGAL SERVICES SUBCOMMITTEE: Hon. Jim Coronado reported that the purpose of the guidelines is to give local judges and council some idea and guidance for the standards of practice they need to follow in order to adequately represent someone in a death case; Buck Files noted that the item is non-controversial, and the goal is to give a capital case lawyer or trial lawyer a road map in what they should be doing in the representation of the individual.

**On behalf of the subcommittee, Judge Coronado moved for approval of the Guidelines and Standards for Texas Capital Counsel. Motion carried. (Exhibit Q)**

21. SECTION REPRESENTATIVES TO THE BOARD COMMITTEE: Judy Ney announced that Council of Chairs had ten people running for Section Representatives, Warren Cole won for the large sections and Lisa Tatum won for the small sections; many sections are coming together for CLE programs at the Annual meeting; and end-of-year section reports are due May 1. Stephen Smith reported on several section seminars and activities, and David East made remarks about his time on the Board as this is his last Board meeting.

22. COMMISSION FOR LAWYER DISCIPLINE: Mark White reported that the Commission runs from September 1 to August 31, so the leadership will be changing this year; Public members George Edwards and

Jesse Cantu have been reappointed for their second three-year terms, and White introduced new public members Jane Henson (Houston) and Janie Ramirez (Lubbock).

President Rodriguez noted that Mark White has resigned as Chair of the Commission for Lawyer Discipline, effective at the end of August.

23. TYLA: A portion of the “Kids in the Crossfire” video was played, and TYLA President Lee Ann Reno reported that 1000 copies of the video will be distributed in two weeks; Reno encouraged the Board to attend the TYLA reception on Friday at the Annual meeting; and the American Juror project is looking for programs for this year

24. EXECUTIVE DIRECTOR REPORT: John Edwards announced that Laura Tansey, assistant director of Texas Lawyers Care, has been named employee of the month, and presented her with an plaque.

25. GENERAL COUNSEL REPORT: Patricia Moore reported that financial disclosure forms are due May 1 to the Ethics Commission; she has been working with the Supreme Court rules attorney on referendum issues; and there was a hearing on partial summary judgment on April 12 in the case against the AG trying to protect the personal information of lawyers, and a decision has not been made but the outcome looks positive.

Kelly Frels reported that the International Law Section is trying to revise the rules to allow foreign legal consultants who practice for three years who take an LLM an at accredited law school to be able to sit for the Texas Bar, and that will presented as a resolution at the Annual meeting.

President Rodriguez thanked everyone for coming to Brownsville and made announcements on the activities for the rest of the weekend.

With no further business, the meeting was adjourned.

