OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
Henry B. Gonzalez Convention Center
San Antonio, TX
June 24, 2004

The Board of Directors of the State Bar of Texas met in a regular session on June 24, 2004 at the Henry B. Gonzalez Convention Center in San Antonio, Texas. The meeting was called to order at 9:00 a.m. by Chair Kim J. Askew, and the roll was called by Interim Executive Director Michelle Hunter. A quorum of voting Board members was present.

***Present*:**
Board Members: Kim J. Askew, Mike D. Atkins, Dr. Fred E. Aurbach, H. Mack Barnhart, Demetrius K. Bivins, Michael J. Black, Robert A. Black, Ralph H. Brock, Ronald E. Bunch, Russell G. Burwell III, Linda R. Butter, Ophelia F. Camina, Michael Connelly, Judge Jim Coronado, J. David Dickson, Michael A. Elliott, William D. Elliott, F. R. (Buck) Files, Jr., Kelly Frels, Roland Garcia, Jr., Tom Godbold, Jim Hall, Roland K. Johnson, S. Leon Mitchell, Mark N. Osborn, Carmen I. Perez, Velva L. Price, Mickey R. Redwine, Lee Ann Reno, Vianei Lopez Robinson, Eduardo Rodriguez, Mark A. Shank, Laura Bellegie Sharp, Judge Nancy A. Thomas, Betsy Whitaker, Patricia J. Williams, Michele Wong-Krause, Marshall C. Wood

Liaisons*: Joette Furlough, Judge Andrew S. Hanan, Judge Sharon Keller, Judge Dean Rucker, Justice Michael H. Schneider

Section Representatives*: Suzanne Mann Duvall, W. David East, Mark L. Murdock, Judy L. Ney, Stephen J. Smith, Lisa M. Tatum

Ex Officio*: Michelle Hunter, Dawn Miller, Patricia A. Moore

Excused Absences:
Patricia O. Alvarez, Terri L. Hagan, Pauline E. Higgins, Paula W. Hinton, David R. McAtee, Jeffrey R. Parsons, James C. Winton

(= nonvoting)*

I. PRESENTATIONS, INSTALLATION, SWEARING IN OF NEW OFFICERS AND DIRECTORS

Justice Michael H. Schneider administered the oath of office to the incoming officers and directors. The outgoing 2003-04 officers introduced President Kelly Frels, President-elect Eduardo R. Rodriguez, and Chair of the Board William D. Elliott, and each incoming officer gave general remarks. A gavel was presented to incoming President Frels, a copy of *Robert's Rules of Order* was presented to incoming Chair Elliott, and shadow boxes were presented to outgoing President Whitaker and Chair Askew.

II. REPORTS

A. 2004-05 Chair of the Board: William Elliott emphasized communication and participation by all Board members to the extent possible, encouraged utilizing staff resources, and indicated the bar buddy list for new directors was completed. An overview of Board committee charges/agenda included: Administration (defining the *Keller* decision, implementing technology contracts, building issues), Discipline/CAAP (rewriting CAAP rules, coordination of client assistance functionality), Budget/Finance (priority/financial considerations), Member Services (PDP, technology, providing value to members), Public Services (legal services/access to justice & legislative issues).

B. 2004-05 President: Kelly Frels stressed respect for each other's opinions while working together, and presented a review of identifiable issues: infrastructure, response to corporate governance issues, lawyer image, referendum, judicial longevity, access to justice, jury trials, starting law practices, UPL, service to the community and the profession while serving clients, taxes on legal services and the practice of law (the Legislature and school finance), multi-jurisdictional practice, national issues, Strategic Plan review by the Board, the future of the practice 10-20 years from now, standing committee review by the Executive Committee, and choosing a new Executive Director by the September BOD meeting.

As part of his report, President Frels requested comments from Supreme Court Liaison Justice Michael Schneider about the relationship/protocol in communicating with the Court. Justice Schneider thanked the Board for helping the Court in its rule-making responsibilities, specifically regarding Rule 8a, then indicated that the Court has the ultimate responsibility concerning the Bar's administrative matters. Formal communication between the Bar and Court should be funneled through the President, President-elect, Executive Director and the Court's liaison.

C. 2003-04 TYLA President: Marshall Wood presented an overview of public and member services projects, including development of the TYLA annual report, "Seniors in the Law" publication, a survivor kit and membership card for new lawyers. Wood thanked the Board for its support of the TYLA projects during his tenure and assured the members that incoming TYLA President David R. McAtee will represent TYLA well.

D. Strategic Planning Subcommittee: Mark Shank reminded the Board of its responsibility to develop and review each even year, a five-year comprehensive, long-range strategic plan, which must include measurable goals and a system of performance goals that relates directly to the identified goals and focuses on results and outcome of State Bar operations and services. The current plan is good, but needs revision to reflect what the Bar really does and to provide continuity.

E. Annual Meeting Resolutions Committee: Resolutions Chair Charles Schwartz indicated 50 delegates are needed to establish a quorum during the Resolutions Committee meeting scheduled later in the day, so Board members should attend. Three of the five resolutions submitted were pulled from consideration by the proponents, one by the Sexual Orientation and Gender Identification Issues Section, and two by the Individual Rights and Responsibilities Section. The two remaining resolutions by the International Law Section (as revised, regarding adopting MJP Recommendation Nine) and James E. Brill (to amend the Disciplinary Rules of Procedure to facilitate termination of practice following death or disability of solo practitioners and other lawyers) will be presented and discussed. Courtesy resolutions adopted by the Board at its April meeting and the two resolutions presented during the Resolutions Committee meeting then will be presented to the General Session on Friday. Schwartz indicated that according to Board policy, resolutions adopted by the Resolutions Committee and the General Session will be presented to the Board at its September meeting for consideration.

F. Texas Access to Justice Commission: TAJC Chair John Jones presented background information about the commission, update on accomplishments, and suggestions on how the Board and Commission could work together. James B. Sales was introduced as the new chair of the TAJC, and indicated in July the Commission will focus on developing a strategic plan to achieve the objective, "delivery of legal services - a lawyer to a needy person," especially in non-metropolitan areas, through the development of a statewide endowment mechanism. Supreme Court Justice Harriett O'Neill thanked the Board for its continued financial support.

Chair of the Board Elliott requested the Budget Subcommittee, as part of the budget process, to consider creating a revenue fund for access to justice.

G. Process for Selection of Executive Director: President Frels referred to the timeline, job description, and led the discussion regarding the process that will be used in selecting the next Executive

Director - whether to limit it to a Texas-focused or national search, keeping in mind the criteria that the Executive Director needs to be a Texas-licensed attorney. Frels recommended focusing on a Texas search and set September as the target date for completion of the selection objective.

Discussion included whether the skill set needed for the job necessitates hiring an attorney in the position or whether leaders from non-attorney organizations could be considered, opening the field to Texas-licensed attorneys living in other states, and extending the September deadline. President Frels indicated that if no decision was made by September, the possibility of a special Board meeting would be considered.

President Frels moved "that we establish the September 2004 Board meeting as the target date for choosing an executive director and authorize the Search Committee that has been appointed to make any technical changes in the position statement necessary to conform to law and current policy, advertise the position, interview applicants, establish salary ranges consistent with past practices, and present a candidate or candidates to the Board for consideration." Seconded by President-elect Eduardo Rodriguez, the motion carried.

There being no further business, the meeting was adjourned at 11:15 a.m.

EXHIBITS ATTACHED

(None)

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