

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
Hyatt Regency Lost Pines  
Lost Pines, Texas  
April 27, 2007**

The Board of Directors of the State Bar of Texas met in a regular session on April 27, 2007 at the Hyatt Regency Lost Pines in Lost Pines, Texas. Chair Bob Black called the meeting to order at 9:30am, and Executive Director John Edwards called the roll. A quorum of voting Board members was present. Soto Zen priest Flint Sparks gave the invocation. President Dickie introduced Louisiana State Bar President Marta Schnabel, who made remarks.

***Present:***

**Board Members:** Judge Ernest Aliseda, Michael D. Atkins, Cynthia J. Barela, Demetrius K. Bivins, Chair Robert A. Black, Deborah Bullion, Ronald E. Bunch, Bill Burch, Michelle Cheng, Michael Connelly, TYLA President Karin R. Crump, President Martha S. Dickie, J. David Dickson, John D. Ellis, Jr., Edward Fernandes, F.R. (Buck) Files, Jr., Rodolfo Garcia, Lloyd M. Garland, M.D., Immediate Past Chair Tom Godbold, David O. Gonzalez, Jim Hall, Van Hilley, Rhonda F. Hunter, Bill Kroger, Michael D. Marin, William W. Miller, Jr., Robert D. Miller, Timothy W. Mountz, Carmen Perez, J. Goodwille Pierre, Mickey R. Redwine, Immediate Past TYLA President Lee Ann Reno, Rocky Robinson, Immediate Past President Eduardo Roberto Rodriguez, Elizabeth Rogers, Joe Shannon, Jr., Laura Bellegie Sharp, N. Henry Simpson, Michael C. Smith, Randy O. Sorrels, Sandra L. Stewart, R.E. Thompson, G. Allan Van Fleet, Travis Vanderpool, G. Thomas Vick, Jr., President-elect Gib Walton, Michele Wong-Krause

**Liaisons\*:** Judge Lawrence E. Meyers, Justice Dale Wainwright, Judge Barbara Walther

**Section Representatives\*:** Pat E. Allison, Warren Cole, Carolyn F. Moore, Judy L. Ney, Stephen J. Smith

**Ex Officio\*:** Executive Director John Edwards, Deputy Executive Director Michelle Hunter, Chief Disciplinary Counsel John A. Neal, General Counsel Elizabeth Rogers

***Excused Absences:*** Jim Hall, Lisa Tatum, Judge A. Joe Fish, Allan Van Fleet

(\* = *nonvoting*)

I. CONSENT AGENDA ITEMS:

**Upon motion properly made by Goodwille Pierre and seconded by Dr. Lloyd Garland, the following items on the Consent Agenda were approved:**

- A. Approval of minutes of Board meetings conducted on *January 26, 2007*
- B. Ratification of actions taken at the following Executive Committee meetings:
  - 1) *April 5, 2007:* Approved minutes of the January 11, 2007 and March 3, 2007 Executive Committee meeting
- C. Approval of **appointments** by **President Martha Dickie** to the following entities:
  - a. **Commission for Lawyer Discipline:**
    - 1) for terms September 1, 2007 through August 31, 2008:  
  
**Chair: Betty Blackwell (Austin)**  
**Vice Chair: Orrin Harrison (Dallas)**
    - 2) for three-year terms effective September 1, 2007 through August 31, 2010:

**Ron Bunch (Waxahachie)**  
**Neale Potts (Belton)**

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

**Leah Blankenship (Austin)**  
**Wayne Haglund (Lufkin)**  
**Patricia Hayes (Austin)**

**Dana Kelley (Richardson)**  
**Marcellene Malouf (Dallas)**  
**Eduardo Roberto Rodriguez (Brownsville)**

- c. **Texas Center for Legal Ethics and Professionalism:**

1) for terms effective April 27, 2007 through May 31, 2008:

**Javan Johnson – Public Member (Longview)**  
**Richard Hile (Austin)**  
**Roland Johnson (Fort Worth)**

2) for terms effective April 27, 2007 through May 31, 2009:

**Charles Lotter (Dallas)**  
**Charles Matthews (Irving)**  
**Emilee Whitehurst - Public Member (Austin)**

- d. **Texas Legal Protection Plan:**

1) for three-year terms effective June 1, 2007 through May 31, 2010:

**Robert Clines (Bedford)**  
**Catherine Brown Fryer (Austin)**  
**Richard Geiger (Dallas)**  
**Jennifer Ramsey (Austin)**

2) for unexpired term ending May 31, 2009:

**Patricia Hayes (Austin)**

- D. Approval of State Bar committee chairs and vice-chairs to serve during the year 2007-08 per State Bar Rules, Art. VIII, Section 1B; with amendment to add Michelle Cash as Vice-chair of the Women in the Profession Committee. **[Exhibit A]**
- E. 1) Approval of request by the State Bar Government Lawyers Section to move the time of its annual meeting to coincide with their yearly Suing and Defending Governmental Entities Boot Camp **[Exhibit B]**
- 2) Approval of request by the Bankruptcy Law Section to hold its annual meeting at its previously scheduled Bench Bar Conference (June 6-8, 2007) **[Exhibit C]**
- 3) Approval of request by the Poverty Law Section to change its annual meetings, starting with April 11, 2007, and in the future to coincide with the Poverty Law Conference **[Exhibit D]**
- F. Approval of recipients for the pro bono awards to be presented at the Annual Meeting:
- 1) **Pro Bono Award: Human Rights Initiative's Volunteer Attorney Program**
  - 2) **Frank J. Scurlock Award: Lan T. Nguyen**
  - 3) **The J. Chrys Dougherty Legal Services Award: Richard LaVallo**
  - 4) **W. Frank Newton Award: Weil, Gotshal & Manges LLP (Texas offices)**

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

**Jefferson County Bar Association**

H. Approval of resolutions honoring:

**1) Joe Davis (Austin)**

II. REPORTS:

A. Report from the President:

President Dickie called on Bill Burch, who made remarks on the “Practicing From the Shadows” video and presented State Bar pins to those who have shown the video to others. President Dickie updated the Board on various legislation, including the Habeas Counsel task force work on the creation of the Office of Capital Writs, and the State Bar’s position on a number of bills supported by the Family Law Section. She also reported that the Litigation Section, on an emergency basis, asked to be allowed to take a position on a bill, and after consideration, the emergency leadership committee approved the request.

President Dickie noted that the Texas Bar Foundation master agreement has been completed and highlighted the changes to the agreement.

**Immediate Past President Eduardo Roberto Rodriguez moved for approval of the Texas Bar Foundation master agreement; Henry Simpson seconded. Motion carried. [Exhibit E]**

President Dickie reported that the Texas Center for Legal Ethics and Professionalism has a new Executive Director, Bill Chriss, and that six additional members of the their Board have been approved on the consent agenda.

**Immediate Past President Eduardo Roberto Rodriguez moved for approval of the Texas Center for Legal Ethics and Professionalism bylaws; Michele Wong seconded. Motion carried. [Exhibit F]**

President Dickie highlighted the various projects resulting from the work of the Task Force on Retention of Women and Minorities in the Profession, such as diversity training at CLE events, 10-minute mentor sessions, and updating the Texas Bar webpage to include a diversity link, and noted that the action item to change the mission statement to include diversity will be under the Policy Manual amendments.

**Michael Marin moved for approval of the implementations of the recommendations of the Task Force on Retention of Women and Minorities in the Profession; David Dickson seconded. Motion carried.**

**President Dickie moved for approval of assigning the Strategic Planning subcommittee the task of implementing the recommendations of the report; no second needed. Motion carried.**

At this time, Chair Black noted that the majority votes indicated that the 2007-08 Chair of the Board is Travis Vanderpool, and Vanderpool came forward to make remarks.

President Dickie reported on the process of the Accounting Standards Review Work Group, and Travis Vanderpool reported on the work group’s work on requirements for compliance, specific objectives, and their recommendations.

**Travis Vanderpool moved for approval of the report and recommendations from the Accounting Standards Review Work Group; President Dickie seconded. Motion carried. [Exhibit G]**

President Dickie announced the names of the members of the Habeas Counsel Task Force, and Buck Files talked about the recommendations and the consensus of the committee in developing an Office of Capital Writs.

**Buck Files moved for approval of the report and recommendations from the Habeas Counsel Task Force; Elizabeth Rogers seconded. Motion carried. [Exhibit H]**

President Dickie called on William Elliott and Roland Johnson to present the report of the Professionalism Committee, who reported that last year the Board delegated the charge of examining the possibility of mandatory mentoring to the Professionalism Committee. The committee looked at various mentoring programs of other Bar Associations, and discussed possible assignments to undertake in the meantime, including joining law schools and law examiners in discussions about mentoring, reviewing relevant statistics of the grievance process, and involving TYLA, local bar services, and Sections in discussions on implementing mentoring.

**Rocky Robinson moved for acceptance of the Professionalism Committee report on mentoring and for the committee to report back to the Board in the fall of 2008 with their findings; Cindi Barela seconded. Motion carried. [Exhibit I]**

Dr. Lloyd Garland reported on the process of the Mental Health Task Force in putting together their report, and elaborated on the addition to bar card language that will include TLAP's phone number on the back.

**Dr. Garland moved for approval of the report from the Mental Health Task Force including approval of request to the State Bar Membership department and the Supreme Court of Texas to add language to bar cards; Henry Simpson seconded. Motion carried. [Exhibit J]**

**President Dickie moved for approval of the appointment of Theresa Chang (Houston) and Lisa Tatum (San Antonio) as minority members to the Board of Directors, for three-year terms effective at the Annual meeting of 2007 and expiring at Annual Meeting 2010; Michael Marin seconded. Motion carried.**

B. Report from the President-elect:

Gib Walton noted that the budget is unchanged from the one approved by the Board in January, and noted that the budget presentation to the Supreme Court is scheduled for May 23.

**On behalf of the subcommittee, Walton moved for approval of the 2007-08 budget for presentation to the Supreme Court of Texas; no second needed. Motion carried. [Exhibit K]**

C. Commission for Lawyer Discipline/CDC:

Betty Blackwell introduced the two new public members to the Commission for Lawyer Discipline, Jane Henson and Jamie Ramirez. Orrin Harrison, vice-chair of the Commission, talked about determination of "just cause" and a centralized intake system, and implementing a new statewide electronic filing system. Betty Blackwell reported on the various items such as grievances classified as complaints and inquiries, sanctions for 2006-07, the disability diversion program created by Chris Long, the grievance referral program and most common grievances filed. [Exhibit L]

D. TYLA:

TYLA President Karin Crump reported that the TYLA Board is working hard on a practical skills course for new lawyers, and that new lawyer CLE had a 50% increase in attendance. "They Had a Dream Too" has been implemented in 38 states and more than 60 cities; ProBar children's project has trained more than

100 volunteer lawyers; and TYLA has distributed thousands of Legal Guides for Cancer Patients. Crump reported that the judicial directory has been updated and will be relaunched in 2007.

E. Administration:

Ron Bunch reported on the various subcommittees' projects, including the Governance subcommittee's non insurance and insurance benefits from the insurance consultant. The Employment/Salary/Evaluation subcommittee enacted a mandated career ladder which identifies potential replacements at the State Bar.

**On behalf of the subcommittee, Bunch moved for approval of the Employment/Salary/Evaluation Subcommittee succession plan/career ladder; no second needed. Motion carried. [Exhibit M]**

Bunch reported on the Facilities & Equipment subcommittee and the contract with Trimbuilt for the remodeling of floors 3-6, along with the furniture replacement project and the expenses and funding of the construction project.

**On behalf of the subcommittee, Bunch moved for approval of negotiating a contract with Trimbuilt to remodel floors 3-6 of the Texas Law Center; no second needed. Motion carried. [Exhibit N]**

F. Audit & Finance Committee:

Michael Connelly reported that the State Bar has a positive revenue variance of \$1.7 million, with the majority attributed to investment revenues of \$350,000 and CLE revenues of \$653,000. The net operating reserve is at \$5.86 million, which is 2.1 months of operating expenses, and the total designation for the Law Center projects is over \$4.6 million.

**On behalf of the subcommittee, Vice-chair Bill Kroger moved for the following [Exhibit O]:**

**1) Acceptance of quarterly investment report as presented; no second needed. Motion carried.**

**2) Approval of Susan Anderson and University of North Texas Center for Public Management as investment trainers for 2007-08; no second needed. Motion carried.**

**3) Approval of broker and primary dealer list for investments for 2007-08; no second needed. Motion carried.**

G. Nominations & Elections:

Immediate Past President Eduardo Roberto Rodriguez reported on the committee discussing a possible stipend for the President-elect and some officers of the State Bar, based on findings from other Bars, and also reported that the committee will be looking at changing various rules pertaining to elections.

H. Policy Manual:

Laura Sharp explained the policy manual revisions, noting that section 1.13 adds that Section Representatives be appointed as voting members of Board committees and subcommittees, except for the Executive Committee and the Budget Committee, and section 5.08 revises Section Representatives vacancies and terms and that in the case of a vacancy, the President shall appoint a replacement in the same way that Section Representatives are appointed.

**On behalf of the subcommittee, Sharp moved for approval of the following [Exhibit P]:**

**1) Revision to the State Bar Mission Statement to include "promoting diversity"; no second needed. Motion carried.**

**2) Revision to Policy Manual section 1.13 regarding Section Representatives to the Board serving on Board committees; no second needed. Motion carried.**

**3) Revision to Policy Manual section 5.02 concerning Section Finances; no second needed. Motion carried.**

**4) Revision to Policy Manual section 5.08 regarding Section Representatives to the Board Committee Terms and Vacancies; no second needed.**

I. Strategic Planning:

Sharp reported that the Strategic Planning subcommittee made formatting changes to the Strategic Plan to make it easier to read, and two amendments to the mission statement were made, to include “promoting diversity” and eliminating “among participants”.

**On behalf of the subcommittee, Sharp moved for approval of the 2007-08 Strategic Plan with amendments; no second needed. Motion carried. [Exhibit Q]**

J. Member Services and Education:

Dr. Lloyd Garland reported that a grant request from the Disability Issues Committee “Sign up fund” project was approved for submission to the Texas Bar Foundation. **[Exhibit R]** Cindi Barela highlighted the activities of the New Director’s Orientation scheduled for June 7-8 in Austin. Buck Files reported on behalf of PDP that CLE continues to bring in more money every year with more webcasts being scheduled each year, and the joint meeting between PDP and the CLE Committee was a success. Michael Smith reported that Technology Oversight will be reviewing ongoing projects and approving spring/summer capital lease replacements, as well as working on new projects such as new Law Center network equipment and an integrated faxing system replacement.

K. Public Services and Education:

Henry Simpson highlighted the various findings of the 2006 survey of Pro Bono Services, such as 58% of active in-state attorneys provided an average of 43 hours of pro bono services that benefited the poor in 2006, and the largest percentage (82%) of attorneys who performed free legal services provided free services in civil matters. **[Exhibit S]** Simpson noted that the malpractice insurance requirement item is postponed until the next Board meeting. Mike Atkins noted that the Legislative Policy subcommittee is not proposing any changes to the legislative package, but that there are 5,921 bills currently pending.

L. Section Representatives to the Board Committee:

Judy Ney reported that candidates ran for Section Representatives vacancies at the last Council of Chairs meeting, and E. Steven Bolden won for large sections, Chad Baruch won for medium sections, and James Higdon won for the small sections. Pat Allison noted that the item for approval of the Council of Chairs handbook will be pulled and deferred until the next Board meeting for further review.

M. Supreme Court Liaison:

Justice Dale Wainwright reported that as of last month, the Court’s oral arguments went on live webcasting, and archived arguments can be accessed through the internet. The Court has been trying to select cases of local interest and was in Sherman recently for oral arguments. He noted that the Court held a conference at SMU law school with the European Court of Justice exploring the similarities and differences among the two court systems. The order promulgating changes to the State Bar rules and the Jimmy Bill amendments received no comments, and therefore the rules went into effect March 31. Wainwright noted

that IOLTA funds were transferred to 475 institutions paying comparable interest rates, and the amount of additional funds could be as high as \$18 million. The Court is also working on the rule on electronic access to court documents and electronic availability of court documents.

N. Judicial Section Liaison:

Judge Barbara Walther thanked the Litigation Section for their participation at the Annual Meeting, and thanked KaLyn Laney for her help with the legislative session this year.

O. Report from the Executive Director:

John Edwards noted that they are looking forward to the budget presentation meeting with Justice Wainwright the following week, prior to the Supreme Court presentation. Paul Burks was presented with the Employee of the Quarter award.

P. Report from the General Counsel:

Elizabeth Rogers noted that the Public Information Act appeal was argued in the Third Court of Appeals on March 31, and it is likely that no decision will be made and either dismissed as moved, or a decision will be made by September.

There being no further business, the meeting was adjourned at 2:56pm.