

**OFFICIAL MINUTES  
STATE BAR OF TEXAS  
BOARD OF DIRECTORS MEETING  
Hilton Midland Plaza Hotel  
Midland, Texas  
October 3, 2008**

The Board of Directors of the State Bar of Texas met in a regular session on October 3, 2008 at the Hilton Midland Plaza Hotel in Midland, Texas. Chair of the Board Joe Shannon called the meeting to order at 8:30am, and General Counsel Elizabeth Rogers (in John Edwards' absence) called the roll. A quorum of voting Board members was present. Reverend Steve Schorr delivered the invocation. Jim Higdon led the pledge to the U.S. and Texas flags.

***Present:***

**Board Members:** J. Arnold Aguilar, Pablo Almaguer, W. Stephen Benesh, Paul Talmage Boston, Deborah Bullion, Guy Choate, Janna Clarke, Warren Cole, Jeanne C. (Cezy) Collins, David Copeland, President Harper Estes, David Fisher, Susan M. Fisher, Curtis Flowers, Deborah Gagliardi, Pamela Gilbert, Beverly B. Godbey, Mike Gregory, L. Bradley Hancock, John Hatchel, Randy Howry, Lamont Jefferson, President-elect Roland K. Johnson, Rob Kyker, Kyle Lewis, Timothy Mountz, William W. Ogden, W. Thomas Proctor, Robert Roby, Mark K. Sales, Chair of the Board Joe Shannon, Jr., John D. Sloan, Jr., Randy O. Sorrels, Lisa M. Tatum, R. Patrick Wolter

**Liaisons\*:** R.E. Thompson, Justice Dale Wainwright

**Section Representatives\*:** Chad Baruch, James N. Higdon, John V. Jansonius, Dan Micciche, Cheryl Wilson

***Excused Absences:*** Glenn Ballard, Steve Bolden II, TYLA President Sylvia Cardona, Theresa W. Chang, Michelle Cheng, Judge Vanessa Gilmore, Cori Harbour, Van Hilley, Samuel Lovelady, Judge Larry Meyers, TYLA Immediate Past President William W. Miller, Jr., Goodwille Pierre, Judge Suzanne Stovall

(\* = nonvoting)

**I. CONSENT AGENDA ITEMS**

**Upon motion properly made by Deborah Bullion and seconded by Lisa Tatum, the following actions were taken regarding the Consent Agenda items:**

**A. Approval of Minutes:**

- 1) Approval of minutes of Board meetings conducted on *June 25-26, 2008*
- 2) Ratification of actions taken at the following Executive Committee meeting:
  - a) ***September 4, 2008:*** Approved minutes of the April 3, 2008 Executive Committee meeting

**B. Items from the President:**

Approval of appointments to the following entities:

- 1) **2008-09 Special Committee to Nominate ABA Delegates:**

Gib Walton, Chair (Houston)

Richard Pena (Austin) Jennifer Rymell (Fort Worth)  
Kim Askew (Dallas) Kelly Frels (Houston)  
Allan Van Fleet (Houston) Carol Dinkins (Houston)  
Eduardo Roberto Rodriguez (Brownsville) Melody Wilkinson (Fort Worth)

2) **Delegates and Alternates to the 2009 Fifth Circuit Judicial Conference:**

<b><u>Delegates:</u></b>	<b><u>Alternates:</u></b>	<b><u>Others:</u></b>
Gib Walton	Martha Dickie	Harper Estes
Travis Vanderpool	Bob Black	Roland Johnson
Sylvia Cardona	Cori Harbour	John Edwards

3) **Texas Legal Services Center**, for a three-year term effective January 1, 2009 through December 31, 2011:

Erica L. Krennerich (Houston)

4) **College of the State Bar Board**, for unexpired term effective October 3, 2008 through May 31, 2011:

Charles Ernest "Chad" Baruch (Dallas)

**C. Items from Committees and Sections/Divisions:**

- 1) Approval of request by the State Bar Insurance Law Section to amend its bylaws [**Exhibit A**]
- 2) Approval of request by the State Bar International Law Section to amend its bylaws [**Exhibit B**]
- 3) Approval of request by the State Bar Oil, Gas and Energy Resources Law Section to amend its bylaws [**Exhibit C**]
- 4) Approval of request by the State Bar Judicial Section to amend its bylaws to create an Executive Committee [**Exhibit D**]
- 5) Approval of State Bar standing committee members to serve on multiple standing committees:

**Grace Weatherly (Denton)** Lawyer Referral and Information Services and PJC Malpractice, Premises and Products

**Robert Witte (Dallas)** Annual Meeting and Local Bar Services

**D. Other Items:**

- 1) Approval of resolution honoring –
  - a) **Pete Fiero**
  - b) **Michael Morgan**
  - c) **Tom Scott**
  - d) **Smith County Bar Association**

## II. REPORTS

### A. Employee of the Quarter Award:

Chair Shannon called on John Neal to present the Employee of the Quarter award to Lydia Garcia from the Chief Disciplinary Counsel's office.

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

Chair Shannon solicited candidates for the 2009-10 Chair of the Board. Per Board policy, second-year directors interested in running for chair shall notify the current Chair of the Board in writing before the January Board meeting of his or her intention to seek that position for the following Bar year. Directors should also submit a one- or two-page statement of position before the January Board meeting.

### C. Report from the President:

**Closed Session:** At 8:45a.m., Chair Shannon announced that the Board of Directors would meet in closed session as authorized by Texas Government Code, Section 551.074 for the purpose of discussing recommendations from the Executive Director Selection Committee concerning the appointment of a new Executive Director and change of outgoing Executive Director's duties. Members of the Executive Director Selection Committee also participated in the closed session.

**Open Session:** Upon return to open session at 9:18a.m., Chair Shannon announced that during the closed session, only matters relating to the Executive Director Selection Committee were discussed. No action was taken in closed session.

**In open session, on behalf of the Executive Director Selection Committee, President Estes moved for approval to hire Michelle Hunter as the next Executive Director of the State Bar of Texas, effective Monday, October 6, 2008, at an annual salary of \$180,000; Warren Cole seconded. Motion carried. [Exhibit E]**

President Estes noted that John Edwards will stay on in a consulting basis through the end of April to assist Hunter. Hunter thanked John Edwards for being her mentor and friend during his time as Executive Director, and she made brief remarks.

President Estes introduced David Dickson, chair of the Professionalism Committee, and Hon. Doug Lang, who reported on the mentoring program in Dallas and their recommendation to take the voluntary program state-wide. The program would involve beginning lawyers teaming up with experienced lawyers for six one-hour CLE programs done every other month that address specific issues these new lawyers are going to see. The program would be over a twelve-month period. Lang noted that the committee's recommendation is to go forward with the mentoring pilot program so that it can be a modular program available to the local county and metropolitan bars. Various comments were made by Board members in support of the program, and the report of the committee was accepted. **[Exhibit F]**

*The following items under the Report from the President were taken out of order.*

President Estes reported on the current imbalance of the three Board classes and the proposed solution to equalize the classes, which would be to extend the terms of five current first year directors – Susan Fisher of Sherman, Kyle Lewis of Amarillo, David Copeland of Midland, Tommy Proctor of Houston and Beverly Godbey of Dallas. President Estes noted that the local bars were consulted and approved the extension of the term for that person from each district, and that an administrative order will be brought to the Supreme Court if appropriate in order to complete this task.

**President Estes moved for approval of the reorganization plan to extend the terms of the following Board members; Susan Fisher of District 1, Tommy Proctor of District 4 Place 3, Beverly Godbey of District 6 Place 2, Kyle Lewis of District 13, and David Copeland of District 16, and to further authorize President Estes to check with the Court or the Supreme Court Liaison to the Board to determine whether any further action is necessary to accomplish this reorganization; Janna Clarke seconded. Motion carried.**

President Estes reported that the first class has been selected and the first training session of the LeadershipSBOT academy will be on October 16-18. "Let's Do Justice for Texas" won the Lexis Nexus Community Outreach Award, and in September the radio spots were played 11,816 times. This year's theme of the YouTube contest is "Ideals That Unite Us". State Bar staff and the Houston Bar Association and local affiliates jumped to action after Hurricane Ike, extending various deadlines, holding daily conference calls, and the State Bar will be hosting a free CLE webcast on October 7 for lawyers in affected counties titled "Client and Business Information Recovery: Ike is Gone...What Now?" The State Bar coordinated the creation of a Texas Bar Foundation fund for attorneys affected by Ike, and details on this and other donation avenues can be found on [TexasBar.com](http://TexasBar.com), and an email clearinghouse has been established for offers of and requests for help at [ikeresponse@texasbar.com](mailto:ikeresponse@texasbar.com). President Estes reported that the Grievance Oversight Committee report has been received and is available for review and that it is a positive report about the Commission for Lawyer Discipline and the Chief Disciplinary Counsel's office, and the State Bar will not prepare or forward any response to the Supreme Court unless requested to do so.

**D. Report from the Immediate Past President:**

Immediate Past President Gib Walton reported on the formulation and process of the 47-member Court Administration Task Force, and introduced Martha Dickie, Professor Alex Albright, Judge Ken Wise and Tom Cunningham were present to talk about the report and the process. Judge Ken Wise noted that they had 30 hours of (six) general meetings, and 30 hours of meetings with the three subgroups. Over 3000 surveys were sent to different groups, and the task force received 1100 responses back. Professor Albright thanked the chairs, and noted that the report is divided into four purposes – efficiency, simplicity (seeking to rationalize the courts in Texas), flexibility (addressing complex cases) and excellence (jury comprehension to allow jury note-taking, written questions and summations during the trial, and electronic jury assembly) – and further explained each purpose as it relates to the recommendations in the report. Tom Cunningham reported on his subgroup and their study of jurisdictional matters concerning the Courts of Appeals, trial courts, various dissents, and the arbitration recommendations outlined in the report. Dickie reported that it should be noted that the task force is not asking the Board to sign off on any specific recommendations in the report, just that the Board accept it as the work of the task force.

Various questions were raised from Board members with concerns about the Board appearing to endorse the recommendations, and that there be no misinterpretation that this is to be a resource and not part of the SBOT legislative package.

**After much discussion, Walton moved to accept the report of the task force, to thank the members for their efforts and their hard work, and to instruct the staff to publish this report as a resource to interested parties; Steve Benesh seconded. Arnold Aguilar moved for an amendment to include additional language at the end of the motion that states, "with appropriate language indicating that the Board has not considered or approved the substantive recommendations of this report"; Barbara Young seconded. Randy Sorrels spoke against the amendment and moved to call to previous question to cut off further debate upon the amendment; President Estes seconded. Motion carried (22 yes/8 opposed). Chair Shannon called to vote on the original amendment; motion carried. Chair Shannon then called to vote on the motion as stated by Walton and amended by Aguilar, that we accept this report, express our thanks to the members of the Court Administration Task Force and instruct the staff to publish the report and make it available to all interested parties as a resource, with appropriate language indicating that the SBOT Board has not approved or considered the substantive recommendations of the report; motion carried. [Exhibit G]**

D. Commission for Lawyer Discipline/Chief Disciplinary Counsel:

Betty Blackwell reported that the Commission for Lawyer Discipline has two new members, Charles Schwartz and Edward Beenland. There are 87 employees at the Chief Disciplinary Counsel's office, and they have proceeded to a centralized compliance of complaints so that they will have a standardized filing of complaints, which Nancy Ashcraft is heading up. One of the biggest complaints against lawyers is failure to communicate, and the Grievance Referral Program was created in order to address those complaints under Chris Long's direction. Blackwell asked the Board to be considering their recommendations for Grievance Committee appointments, which need to be finalized by May 1. **[Exhibit H]**

E. Report from the President-elect:

President-elect Roland Johnson reported that the Committee Review Task Force is reviewing the 37 Standing Committees of the State Bar according to the policy, and noted that a final report about the committee structure will be presented at the January Board meeting. The budget process is underway and the Budget Committee will be meeting several times in order to put together the budget for 2009-10.

F. Administration Committee:

Randy Sorrels reported that the Employment/Salary/Evaluation subcommittee will be reviewing the compensation study and evaluating what it would cost to bring the salaries of the State Bar staff even to its competitors. Sorrels gave a building update and reported on the timeline of the completion of the different floors, and reported that the Litigation and Contracts subcommittee will review the bid for the second floor. Performance Measures & Strategic Planning subcommittee is drafting the Strategic Plan, and the UPL subcommittee is looking for chairs of local UPL committee's and volunteers to serve on regional committees.

G. Texas Young Lawyers Association:

TYLA President Sylvia Cardona reported via video, noting that the "Safeguarding Our Seniors" video won several awards at the ABA YLD meeting, including Most Outstanding Public Service Project, first place in Comprehensive category, first place in Service Project to the Public, and first place for e-news in the Newsletter category, and a special recognition for "Justice 101" Member Service Project. On August 14-17, TYLA had a joint project with the Georgia Young Lawyers where they came to Austin for three days and the "Vote America" video was rolled out to the public. The video, which focuses specifically on the history of voting rights and encourages voters to cast their vote on election day, has educated 500-700 teachers and close to 1000 students about the project with the assistance of the Law Related Education department. The Georgia Young Lawyers have implemented "Vote America" in over 59 schools in the Atlanta area. The domestic violence video "Healing the Wounds" is in its final stages of completion and will be rolled out towards the end of October, and will be shown to women who check into domestic violence shelters across the state. TYLA also partnered with the State Bar in implementing the LeadershipSBOT academy and are honored to be part of this initiative.

H. Audit and Finance Committee:

Warren Cole reported on the financial highlights, noting that the General Fund had a \$1.9 million net excess of unaudited funds as of May 31, 2008, and the fund balance is at \$14,066,125. TexasBarCLE had an unfavorable variance of \$237,655 due to increased costs to host the live programs, and attendance for live programs is down, but webcasts are up. The audit report will be presented at the January Board meeting, and the internal control audit is underway. **[Exhibit I]**

Cole introduced Cynthia Sneed with PFM Group, who reported on the volatility of the current market, the dual responsibilities of the Government Sponsored Enterprises, the Housing and Economic Recovery Act of 2008, the House bailout bill which was just passed, and inflation.

**(1) Cole moved for acceptance of the quarterly investment reports for May 2008 and August 2008; no second needed. Motion carried.**

**(2) Mark Sales moved for approval of PFM Group and University of North Texas Center for Public Management as Public Funds Investment Act Trainers; no second needed. Motion carried.**

**(3) Sales moved for approval of the broker/dealer list for investments for 2008-09; second needed. Motion carried.**

**(4) Sales moved for approval of the investment policy; no second needed. Motion carried. [Exhibit J]**

I. Discipline and Client Attorney Assistant Committee:

Janna Clarke reported that the Client Security Fund subcommittee is updating the CSF rules with the purpose of clearing up ambiguities that existed in the current rules, and they are reviewing the payee notification requirement that some states have implemented with regard to personal injury settlement since the majority of claims received in the Client Security Fund come from lawyer theft of settlement checks.

Lisa Tatum reported that DCAAP will be bringing a proposal to the Board in order to make a revision to a pending proposed membership rule in an effort to expedite service and contact with the attorneys through the CDC, as well as other rules changes to also facilitate the ease and expedition of the disciplinary system as it relates to subpoena power and to substitute service. The DCAAP subcommittee will also be working on the payee notification requirement.

J. Executive Committee:

Immediate Past President Gib Walton reported that the subcommittee has been busy contacting people to gauge interest in running for President-elect, and this year is a big city year (potential nominees may come from any of the metropolitan counties of the state). Five candidates will be interviewed in November, and two outstanding nominees will be presented to the Board in January.

K. Member Services & Education:

Guy Choate reported that the Appeals/Grants Review subcommittee received two requests for authorization to seek outside funding, one from TYLA to help pay for a video to educate citizens about the legal process after surviving domestic abuse, and one for part of the presidential initiative entitled "LeadershipSBOT" to help develop leadership skills for 20 members of the State Bar. Both requests to seek grants from the Texas Bar Foundation were approved. **[Exhibit K]** Choate reported that the Insurance/Member Benefits subcommittee has subdivided into three separate areas – State Bar Insurance Trust, Professional Liability Insurance, and non-insurance member benefits.

John Sloan reported on the joint meeting of PDP and the CLE Committee to discuss new methods of delivering continuing legal education and the economic forces that are now affecting TexasBarCLE, and noted that the committee would welcome any input the Board might have for new topics or methods of delivery of CLE.

K. Public Services & Education:

Deborah Bullion reported that the Standing Committee on Lawyer Referral Information Services will bring the issue of the requirement of lawyer referral service participants to carry professional liability insurance to the Board in January.

Bullion noted that the Legislative Policy subcommittee met for two days in Austin, and explained the process and various criteria of forming the SBOT legislative package. 22 proposals were brought to the subcommittee – ADR, Family Law, REPTL, and SOGI – and the subcommittee voted in support of all but two. The subcommittee chose to remain neutral on the ADR Section proposal relating to the resolution of certain disputes by collaborative law procedures. On the Family Law Section proposal relating to gestational agreements, the subcommittee requested that the Family Law bring that in the name of the Family Law Section instead of being part of the State Bar legislative proposal. The REPTL Section requested to bring the proposals in their own name as well.

**Bullion moved to accept and adopt the recommendations of the Legislative Policy subcommittee with regard to each proposal outlined in the book forwarded to each of you prior to this meeting, and summarized in the chart in front of the book, and in the book itself in addition to the proposals, the reference materials to and from the Section; no second needed. Motion carried. The following is the summary of actions taken by the Board. [The full text of the Legislative Program is included in the report submitted by the Legislative Policy Subcommittee.]**

2009 LEGISLATIVE PROGRAM – PROPOSED LEGISLATION		
TABLE OF CONTENTS		
TAB	PROPOSAL	COMMITTEE RECOMMENDATION
<b>ALTERNATIVE DISPUTE RESOLUTION SECTION (TABS 1-2)</b>		
1	<i>Relating to appellate jurisdiction for interlocutory appeals for cases arising under the Federal Arbitration Act.</i> Proposed New Section 51.016 (Appeals Arising Under the Federal Arbitration Act), Civil Practices and Remedies Code.	Support
2	<i>Relating to the resolution of certain disputes by collaborative law procedures.</i> Proposed New Chapter 161 (Collaborative Law), Civil Practice and Remedies Code.	Neutral
<b>FAMILY LAW SECTION (TABS 3-13)</b>		
3	<i>Relating to marital property interest in certain employee benefits.</i> Proposed Amendments to Section 3.007 Subsection (d) (Property Interest in Certain Employee Benefits), Family Code; and Proposed Repeal of Section 3.007 Subsections (a), (b), and (f) (Property Interest in Certain Employee Benefits), Family Code.	Support
4	<i>Relating to attorney’s fees in certain postjudgment proceedings.</i> Proposed Amendments to Sections 9.014 (Attorney’s Fees), 9.205 (Attorney’s Fees), Family Code; and Proposed New Section 9.106 (Attorney’s Fees), Family Code.	Support
5	<i>Relating to child support arrearages.</i> Proposed Amendment to Section 157.262 (Reduction of Arrearages; Abeyance of Enforcement), Family Code.	Support
6	<i>Relating to economic contribution and reimbursement.</i> Proposed Amendment to Title 1, Chapter 3, Subchapter E (Claims for Economic Contribution and Reimbursement); Proposed Amendments to Sections 3.401 (Definitions), 3.404(b) (Application of Inception of Title Rule; Ownership Interest Not Created), 3.406 (Equitable Lien), and 3.408 (Claim for Reimbursement), Family Code; and Proposed Repeal of Sections 3.402 (Economic Contribution), 3.403 (Claim Based on Economic Contribution), 3.407 (Offsetting Claims), and 3.410 (Effect of Marital Property Agreements), Family Code; and Proposed New Section 3.411	Support

	(Offsets), Family Code.	
<b>7</b>	<i>Relating to parenting plan for joint managing conservatorship.</i> Proposed Amendments to Section 153.133 (Parenting Plan for Joint Managing Conservatorship), Family Code.	Support
<b>8</b>	<i>Relating to gestational agreements.</i> Proposed Amendments to Sections 160.752(a) (Scope of Subchapter; Choice of Law), 160.754(a) and (b) (Gestational Agreement Authorized), 160.755(a) and (b) (Petition to Validate Gestational Agreement), and 160.756 (b) and (c) (Hearing to Validate Gestational Agreement), 160.759(a) (Termination of Gestational Agreement), and 160.760 (a),(b) and (d) (Parentage Under Validated Gestational Agreement), Family Code.	Support – Family Law Section may carry in its own name
<b>9</b>	<i>Relating to parenting coordinators and other processes in suits affecting the parent-child relationship.</i> Proposed Amendments to Sections 153.601(3) (Definitions), 153.605 (a) and (b)(Appointment of Parenting Coordinator), 153.606 (Duties of Parenting Coordinator), 153.607 (Removal of Parenting Coordinator), 153.608 (Report of Parenting Coordinator), 153.610 (Qualifications of Parenting Coordinator), and 153.0071(g) (Alternative Dispute Resolution Procedures), Family Code; Proposed New Sections 153.6051 (Parenting Coordinator: Conflicts of Interest and Bias), 153.6081 (Agreements and Recommendations), and 153.6082 (Communications, Record Keeping and Reporting), Family Code.	Support
<b>10</b>	<i>Relating to the establishment of paternity.</i> Proposed Amendments to Sections 160.201(b) (Establishment of Parent-Child Relationship), 160.204(a) (Presumption of Paternity in Context of Marriage), 160.301 (Acknowledgement of Paternity), 160.302(a) (Execution of for Acknowledgement and Denial of Paternity), 160.304(b) and (c) (Rules (Acknowledgement of Paternity), 160.305 (a) and (b) (Effect of Acknowledgement or Denial of Paternity), 160.312(a) (Forms for Acknowledgement and Denial of Paternity), 160.634 (Order on Default), and 160.637 (Binding Effect of Determination of Parentage), Family Code; Proposed Repeal of Sections 160.307 (Proceeding for Rescission), 160.308 (Challenge After Expiration of Period for Rescission), and 160.309 (Procedure for Rescission or Challenge), Family Code.	Support
<b>11</b>	<i>Relating to the rights of a sibling.</i> Proposed Amendment to Section 153.551(b) (Suit for Access), Family Code; Proposed New Sections 153.551(c) (Suit for Access) and 156.002(c) (Who Can File), Family Code; and Proposed Repeal of Section 153.552 (Access to Sibling), Family Code.	Support
<b>12</b>	<i>Relating to access to certain information contained in a decree of dissolution of a marriage or in an order in a suit affecting the parent-child relationship.</i> Proposed Amendments to Section 105.006 (Contents of Final Order), Family Code.	Support
<b>13</b>	<i>Relating to the standard possession order.</i> Proposed Repeal of Section 153.137 (Guidelines for the Possession of Child by Parent Named as Joint Managing Conservator), Family Code; and Proposed Amendments to Subchapter F, Chapter 153, Family Code – Section 153.311 (Mutual Agreement or Specified	Support

	Terms for Possession), Section 153.312 (Parents Who Reside 100 Miles or Less Apart), Section 153.313 (Parents Who Reside Over 100 Miles Apart), Section 153.314 (Holiday Possession Unaffected by Distance Parents Reside Apart), Section 153.315 (Weekend Possession Extended by Holiday), and Section 153.317 (Alternative Possession Times); and Proposed New Section 153.3111 (Definitions), Family Code.	
<b>REAL ESTATE, PROBATE &amp; TRUST LAW SECTION (TABS 14-21)</b>		
<b>ALL REAL ESTATE, PROBATE &amp; TRUST LAW SECTION PROPOSALS MAY BE CARRIED IN THE SECTION NAME.</b>		
<b>PROBATE PROPOSALS</b>		
<b>14</b>	<i>Relating to provision in will for management of separate property.</i> Proposed Repeal of Section 70 (Provision in Will for Management of Separate Property), Probate Code.	Support
<b>15</b>	<i>Relating to requisites of a will.</i> Proposed Amendments to Section 59 (Requisites of a Will), Probate Code.	Support
<b>16</b>	<i>Relating to revocable trusts.</i> Proposed Amendments to Sections 471 (Definitions), 472 (Revocation of Certain Nontestamentary Transfers on dissolution of Marriage), and 473 (Liability for Certain Payments, Benefits, and Property), Probate Code.	Support

<b>17</b>	<i>Relating to venue or transfer of certain probate matters and guardianship matters.</i> Proposed Amendments to Section 15.007 (Conflict with Certain Provisions), Civil Practices and Remedies Code, Section 5B(b) (Transfer of Proceeding), Probate Code, and Section 608 (Transfer of Guardianship Proceeding), Probate Code; Proposed New Section 7 of Chapter I (Venue for Certain Actions Appertaining to or Incident to an Estate or in Which Personal Representative is Party), Probate Code; Proposed New Section 610A of Subpart B, Part 2, Chapter XIII (Venue for Appointment of Guardian), Probate Code; and Proposed Repeal of Sections 5A(f) (Matters Appertaining and Incident to An Estate), and 607(e) (Matters Appertaining and Incident to An Estate), Probate Code.	Support
<b>GUARDIANSHIP PROPOSALS</b>		
<b>18</b>	<i>Relating to guardianships of incapacitated persons.</i> Proposed Amendments to Sections 665 (Compensation of Guardians and Temporary Guardians) and 868 (Terms of Management Trust), Probate Code.	Support
<b>19</b>	<i>Relating to guardianships of incapacitated persons.</i> Proposed Amendments to Sections 665 (Compensation of Guardians and Temporary Guardians), 665B (Compensation of Certain Attorneys), 677A (Written Declarations by Certain Parents to Appoint Guardians for their Children), 679 (Designation of Guardian Before Need Arises), 667 (b) (Expense Account), 867 (b-3) (Creation of Management Trust), and 875 (k) (Temporary Guardian—Procedure), Probate Code; Proposed New Section 665D (Compensation and Payment of Attorney’s Fees of Attorneys Serving as Guardians), Probate Code.	Support
<b>TRUST PROPOSALS</b>		
<b>20</b>	<i>Relating to trusts.</i>	Support

	Proposed Amendments to Section 1104.021 (a) (Trustee Named as Beneficiary in Policy), Insurance Code; Proposed Amendments to Sections 112.010 (c)(3) (Acceptance or Disclaimer by or on Behalf of Beneficiary), 114.003 (Powers to Direct), 115.014 (Guardian Ad Litem), and 116.172 (Deferred Compensation, Annuities, and Similar Payments), Property Code; Proposed New Section 113.029 (Discretionary Powers; Tax Savings), Property Code.	
<b>RECODIFICATION PROJECT</b>		
<b>21</b>	<i>Probate Code Codification Project</i> Preliminary drafts of 38 Chapters of the Proposed New “Estate and Guardianship Code.”	Support
<b>SEXUAL ORIENTATION &amp; GENDER IDENTIFICATION ISSUES SECTION (TAB 22)</b>		
<b>22</b>	<i>Relating to the repeal of the offense of homosexual conduct.</i> Proposed Repeal of Section 21.06 (Homosexual Conduct), Penal Code.	Support
<b>REFERENCE MATERIALS (TABS 23-28)</b>		
<b>23</b>	Legislative Policy	
<b>24</b>	Legislative Timetable	
<b>25</b>	Checklist	
<b>26</b>	Purpose Clause	
<b>27</b>	Keller Opinion	
<b>28</b>	Legislative Policy Subcommittee Roster	

L. Section Representatives to the Board Committee:

Chad Baruch noted that the Section Representatives are trying to overhaul the way the Council of Chairs does business in three ways; to improve the flow of information from the Board back to Section members, to reengage the number of Sections that have drifted away from the Bar, and to increase attendance at the Council of Chairs meetings. A video was shown.

M. Supreme Court Liaison:

Justice Dale Wainwright reported that Kathy Owen (Dallas), JoAl Cannon-Sheridan (Austin), and David Chaumette (Houston) have been appointed to BODA, and Harry G. Potter (Houston) and David Chapman (Houston) have been appointed to the Professional Ethics Committee. Leland De La Garza is now the chair of UPLC, and James Blume (Richardson), Hon. Georgia Dempster (Houston) and Wesley Geary (Plano) have been reappointed to UPLC. The Court promulgated similar actions after Hurricane Ike that were done after Rita, one order provided 30 day protection through October 17 for displaced lawyers to practice law in Texas, and protects lawyers who are not displaced but who come to Texas to provide pro bono services for those displaced persons. The second order provides for the enlargement of time, which means in the event the ability to make filings is disrupted because the clerk’s office is closed or the attorneys’ hardships preclude the ability to make necessary filings, then procedural filing deadlines shall be extended under the rules of civil and appellate procedure.

N. Report from the General Counsel:

Elizabeth Rogers had a written report. **[Exhibit L]**

President Estes made closing remarks. There being no further business, the meeting was adjourned at 2:22pm.