



STATE BAR ELECTION SCHEDULED

The State Bar Election for 2011–2012 president-elect, Texas Young Lawyers Association president-elect, and State Bar and TYLA directors will be held in April. This year, candidates for State Bar president-elect will be selected from any county of the state.

Guidelines for Election of State Bar President-elect

2.01 ELECTION OF PRESIDENT-ELECT

2.01.01 General. The following guidelines are adopted pursuant to the State Bar Act and the rules promulgated thereunder. The relevant provisions of that act and those rules (Texas Government Code, Title 2, Subtitle G, Chapter 81; State Bar Rules, Art. IV, Sec. 11) are incorporated within these guidelines.

2.01.02 Definitions.

- A. Subcommittee: The Nominations and Elections Subcommittee of the Executive Committee of the State Bar of Texas.
- B. Potential Nominee. Any person whose name is submitted, pursuant to the provisions of §2.01.07 below, for consideration by the Subcommittee as a Nominee to stand for election to the office of President-elect for the following year, and any person seeking Executive Director certification under §2.01.05.
- C. Nominee. Any person selected by the Nominations and Elections Subcommittee to be voted on by the board, and anyone who has obtained Executive Director certification pursuant to the provisions of §2.01.05 below.
- D. Candidate(s): Any person approved by the Board as a candidate, and anyone who has obtained Executive Director certification pursuant to the provisions of §2.01.05 below.
- E. Campaign. Any activities and communications in any form by or on behalf of a Potential Nominee, Nominee, or Candidate for the purpose of gaining votes for the election as President-elect.
- F. Campaign Period: The period beginning when Candidates are approved by the Board and ending on the date the ballots are distributed.
- G. Professional Acquaintance. A member of the State Bar, including those on inactive status, who a soliciting attorney or Potential Nominee, Nominee, or Candidate knows personally, or who are in the same Professional Affiliation. Mere knowledge of the attorney by name or reputation or membership in the same professional, social or alumni organization, specialty bar, sec-

tion, and similar organization does not qualify as a Professional Acquaintance.

- H. Professional Affiliation. The firm, company, or employer of the person.
- I. Endorsement(s). A statement (verbal or in writing) and/or any electronic communication, by a member of the State Bar of Texas stating or publishing support for a Potential Nominee, Nominee, or Candidate. Endorsement does not include a member of the State Bar of Texas identifying the person for whom he or she will vote if asked by another.
- J. Board: The voting members of the State Bar of Texas Board of Directors.
- K. Board Member: Any person serving on the State Bar of Texas Board, including officers, directors, and *ex officio* members.
- L. Bar Year: The fiscal year of the State Bar of Texas, which begins on June 1.

2.01.03 Election. The President-elect shall be elected by vote of a majority of those members of the State Bar who voted in such election. Such election shall be held in April or May of each year. The person so elected shall assume the office of President-elect at the next annual meeting following the succession of the then President-elect to the office of President.

2.01.04 Qualifications. Any member of the State Bar who meets the eligibility requirements for Officers set forth in the State Bar Act and the State Bar Rules is eligible for nomination for President-elect, provided such member is not currently serving as a Board Member.

2.01.05 Nominations. At its regularly scheduled January meeting each year, the Board, on recommendation by the Subcommittee, shall nominate by a majority vote two or more members of the State Bar to be candidates and to stand for election to the office of President-elect for the next bar year. Any other qualified member shall also be privileged to stand for election to that office as a candidate when a member declares his or her intent in writing to the Chair of the Board not earlier than the adjournment of the Board's September meeting preceding the election for the ensuing year and not later than the commencement of the Board's January meeting preceding the election, when a written petition, in a form prescribed by the Board and signed by no less than five percent of the active members of the State Bar who are in good standing, is filed by or on behalf of such member with the Executive Director on or before March 1 preceding the election for the ensuing year and such petition is certified by the Executive Director. The Executive Director shall either certify or reject such petition within five (5) business



2011 STATE BAR OF TEXAS DIRECTORS ELECTION CHART

BAR DISTRICT	NUMBER OF SIGNATURES REQUIRED	INCUMBENT DIRECTOR AND RESIDENCE	COUNTIES IN DISTRICT*
4, Place 2	100	William Ogden , <i>Houston</i>	Harris
4, Place 4	100	Warren Cole , <i>Houston</i>	Harris
4, Place 7	100	Brad Hancock , <i>Houston</i>	Harris
6, Place 3	100	Talmage Boston , <i>Dallas</i>	Dallas
6, Place 4	100	Rob Roby , <i>Dallas</i>	Dallas
9	100	Stephen Benesh , <i>Austin</i>	Travis
11	79	Patrick Wolter , <i>Corpus Christi</i>	Aransas, Bee, Calhoun, DeWitt, Goliad, Gonzalez, Guadalupe, Jim Wells, Karnes, Kleberg, Live Oak, (Nueces), Refugio, San Patricio, Victoria, Wilson
12	98	J. Arnold Aguilar , <i>Brownsville</i>	Atascosa, Brooks, (Cameron), Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Kenedy, La Salle, Maverick, McMullen, Starr, Webb, Willacy, Zapata, Zavala
14	94	Mike Gregory , <i>Denton</i>	Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, (Denton), Eastland, Erath, Haskell, Hood, Jack, Jones, Montague, Palo Pinto, Parker, Runnels, Shackelford, Somervell, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, Wise, Young
17	62	Jeanne "Cezy" Collins , <i>El Paso</i>	Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio

* Counties in parenthesis and in bold print are ineligible for campaign during the 2011 elections. See State Bar Rules Article IV, Section 5(A)(5), which addresses the issue of succession, and Article I(5), which defines metropolitan areas.

days following receipt of the petition by the Executive Director. Any disputes arising from the Executive Director's decision shall be resolved by the Nominations and Elections Subcommittee in accordance with §2.01.17 and the State Bar Rules.

2.01.06 Candidate Pools. The Potential Nominees for President-elect shall be selected from three different Candidate pools that rotate on a three-year cycle. In the first year of that cycle, the Potential Nominees shall be selected from State Bar members whose principal office is in Bexar, Dallas, Harris, Tarrant, and Travis counties. In the second year of the cycle, the Potential Nominees shall be selected from State Bar members whose principal office is outside the five metropolitan counties cited above. In the third or "open" year of the cycle, the Potential Nominees shall be selected from the Candidate pool of all State Bar members, without regard for the county of their principal office. In any year of any three-year cycle, the Board may nominate two or more Nominees from the same county.

2.01.07 Selection of Candidates. The Board shall select President-elect Candidates as follows:

A. In August preceding the January meeting at which the Board selects Candidates, the Subcommittee chair shall

notify Texas bar associations representing the State Bar's diverse membership and State Bar sections, divisions, and committees that the Nominee selection process has begun. The chair of the Subcommittee shall request from those groups the names and background information of Potential Nominees, explaining the criteria for selection described in subsection C.

- B. The Subcommittee shall state its intent to solicit Potential Nominees by distributing notice on the State Bar website and by publishing notice in the September issues of the *Texas Bar Journal*, the *Texas Lawyers' Civil Digest*, and the *Texas Lawyers' Criminal Digest*. The publication shall contain the criteria for Nominee selection described in §2.01.04, 2.01.06, and 2.01.07 C. Anyone submitting a name for consideration should first obtain that person's written consent to have his or her name submitted.
- C. Subject to §2.01.04 and 2.01.06, any member in good standing with the State Bar is eligible for nomination, provided such member is not currently serving as a Board Member. The Subcommittee shall select qualified



Nominees and choose its Nominees with the objective of ensuring that, over a period of years, the office of the President includes men and women, ethnic and racial diversity, lawyers from large, medium and small firms and solo practitioners, and members from urban and rural areas of the State. In doing so, the Subcommittee shall consider a potential Candidate's involvement in State Bar committee work, knowledge of State Bar operations, participation in local and specialty bar associations, and other activities demonstrating leadership ability, and sincere interest and competence in dealing with issues concerning the State Bar of Texas. Although prior membership on the Board is not a prerequisite to nomination, it should be considered in determining whether a lawyer is a qualified Potential Nominee.

- D. The Subcommittee may also solicit Potential Nominees whose names have not been submitted through the process described in subsections A and B. Persons solicited as Potential Nominees must meet the criteria described in subsection C.
- E. As part of the selection process, each Potential Nominee should be asked to submit a resume and a brief statement indicating the reasons for his or her interest in serving as President. Subcommittee may interview Potential Nominees. The travel expenses incurred by a Potential Nominee in attending such interview will be reimbursed by the State Bar.
- F. The Subcommittee shall submit to the Board the names of two or more qualified nominees for President-elect.

2.01.08 Notification of Nomination.

- A. Insofar as it is possible, the Nominees recommended by the Subcommittee should be notified at the same time.
- B. The Candidates nominated by the Board should be notified at the same time.

2.01.09 Announcement of Nominations. As soon as reasonably practicable after the Candidates for President-elect are selected by the Board, the names of the Candidates, the counties of their principal offices, and their biographical information, together with the procedure for additional nominations by petition under the State Bar Rules, shall be published on the State Bar website and in the *Texas Bar Journal*, the *Texas Lawyers' Civil Digest*, and the *Texas Lawyers' Criminal Digest*.

2.01.10 Campaign Activities.

- A. Potential Nominees may discuss the prospective candidacy with any partners or management in their law firm, as needed, to be sure that the Potential Nominees will agree to be a candidate, if approved by the Board.
- B. Potential Nominees or Nominees recommended by the committee may not Campaign before their official nominations by the Board.

- C. Potential Nominees or Nominees may confirm to others that they are Potential Nominees or Nominees prior to actual nomination by the Board.
- D. The Nominees may not Campaign until they have met with the Subcommittee as required in §2.01.11 or immediately following the adjournment of the Board meeting at which they are nominated, whichever is the latest, and must cease campaigning on the date the ballots are distributed (the "Campaign Period"). Once the Campaign Period ends, candidates may not continue to contact State Bar members, or solicit or encourage others to do so.
- E. Candidates may not Campaign outside their offices before March 1 or after the ballots are distributed, except for meetings held outside of their offices but within the counties of their principal offices for the purposes of planning future campaign activities.
- F. Candidates may confirm to others that they are Candidates at any time prior to the out-of-office Campaign period when the Candidate is out of the office conducting normal and customary business.
- G. Candidates may not solicit, approve, or condone communications by local bars, specialty bars, law school alumni associations, bar association sections or committees, or other bar-related groups seeking support and/or Endorsement.
- H. No Candidate, or anyone acting on the Candidate's behalf, may solicit votes by mailings, faxes, or emails to selected groups within the Bar, or by mailings, faxes, or emails to local or specialty bars, unless every member of such selected group within the Bar and/or such local or specialty bars is a Professional Acquaintance of the person making the contact.
- I. Candidates may not solicit, approve, or condone solicitations in any publications other than the State Bar website and the *Texas Bar Journal*. If any articles about a Candidate appear in any publication, the publishing entity should provide equal space and time to the same or similar articles for all other Candidates. The Executive Director or designee shall notify section chairs and local, specialty, and minority bars of this policy.
- J. Candidates may not distribute substantially similar letters, emails, including blast emails or faxes to groups of lawyers, unless every member of such selected group within the Bar and/or such local or specialty bars is a Professional Acquaintance of the Candidate. Candidates may, during the Campaign period, send letters, emails, or facsimiles and make telephone calls to lawyers they do not know only if they are directed to individuals and not groups of people.



- K. Solicitation by persons supporting the Candidates, other than by Candidates or members of the State Bar (including inactive members) through the use of telephone, email, or other methods of communication to members and Professional Acquaintances, is prohibited.
- L. Candidates may not solicit or publicize endorsements from local or specialty bar groups, Board members, employees of the State Bar, or any public official.
- M. Board Members, employees of the State Bar, and public officials may not provide an endorsement, support, or participate in the Campaign for President-Elect in their official capacities.
- N. Nothing herein shall prohibit the Potential Nominees, Nominees, or Candidates from establishing a steering committee or group consisting of Professional Acquaintances of the Potential Nominees, Nominees, or Candidates for the purpose of assisting the Potential Nominees, Nominees, or Candidates in the Campaign prior to the commencement of, or during, the Campaign period. Prior to the time an individual has been designated by the Board as a Candidate, steering committees shall be limited to no more than 50 Professional Acquaintances of the potential nominee or nominee.
- O. Expressions of support for a Candidate in the mailings of a member of the State Bar may be made if those are on the member's personal stationery, or on the law firm's, company's, and/or employer's stationery, directed to Professional Acquaintances and mailed by the member or under his or her direct supervision and not at the expense of the Candidate. Two or more members may not jointly solicit support for any Candidate.
- P. One-to-one, individualized telephone calls or emails expressing support for a Candidate to Professional Acquaintances of the individual caller or sender are permitted. List-serves and group emails are not allowed unless every person on the list-serve or email group is a Professional Acquaintance of the sender.
- Q. Any Board Member may answer questions posed to the Board Member about a Candidate's qualifications.
- R. Attendance by Potential Nominees or Nominees at the TYLA Board of Directors meeting, local and/or specialty bar association meetings, or other events is allowed, if invited and approved by the Subcommittee.
- S. In exceptional circumstances, such as invitations to speak made by the TYLA Board of Directors, local and/or specialty bar associations, or other events, the Candidates may jointly apply to the Subcommittee for a dispensation to undertake campaigning outside the office before March 1.

2.01.11 Meeting with the Subcommittee. The Candidates shall meet jointly with members of the Subcommittee to discuss election rules and procedures before the beginning of the Campaign period. Travel and lodging expenses for the Candidate and his or her spouse to this meeting will be reimbursed by the State Bar independently of campaign expenditures described in §2.01.14.

2.01.12 Distribution of Ballots. A combined ballot for the office of President-elect and for the office of Director may be used in bar districts in which an election for Director is to be conducted. On April 1, or on the first working day following April 1 if April 1 falls on a weekend, an official ballot listing the names of all Candidates for President-Elect and candidates for Director shall be distributed to each member of the State Bar who is entitled to vote.

2.01.13 Campaign Brochures. Each Candidate is responsible for the design and content of a single Campaign brochure, which shall be used as the Candidate's sole handout or electronic attachment during the election. (A one-page resume may be used for appearances permitted under these guidelines if the campaign brochure is not available.) The State Bar will print the brochures in a four-color process, using the same size and quality of paper for each Candidate's brochure.

- A. In designing the brochures, Candidates should:
 - 1. seek to be as informative as possible;
 - 2. limit photographs to pictures of the Candidate and his or her family; and
 - 3. neither refer to nor cite endorsements of the Candidate by groups or individuals.
- B. The Subcommittee will approve all brochures before printing to ensure compliance with the guidelines.
- C. Brochures used in the election for President-elect shall be distributed on the State Bar website and paper copies will be mailed at State Bar expense, along with any official paper ballots, to voting members who have not voted electronically.
- D. The State Bar of Texas shall pay, in addition to the printing expense of the brochures included with the paper ballots, the cost of printing such reasonable amount of such extra brochures as the Subcommittee may determine is appropriate.
- E. Candidates may purchase additional copies of the brochures, for their own use, at cost. A copy of the brochures will be distributed with the electronic ballot and a paper copy will be included with any paper ballots.

2.01.14 Campaign Expenditures. Each Candidate for the office of President-elect shall not expend more than \$20,000 in Campaign expenses, including expenses for transportation and lodging during the Campaign. The Candidates may agree on a different amount not to exceed \$25,000. The State Bar shall



reimburse each Candidate up to \$15,000 for actual out-of-pocket Campaign expenditures, which may include transportation and lodging costs for the Candidate and his or her spouse. This reimbursement is in addition to, and not in lieu of, Campaign expenses paid directly by the State Bar, provided, however, that if in any year more than two Candidates are nominated for the office of President-elect, the aggregate amount of reimbursements by the State Bar shall not exceed a total of \$30,000 for all Candidates, and no one Candidate will be entitled to a reimbursement exceeding a per capita share. Candidates shall submit verified reports of all Campaign expenditures, including expenses for transportation and lodging, within 90 days after the Campaign ends.

2.01.15 Use of the Internet. Candidates may Campaign on the Internet during the Campaign Period by use of a personal website or web page. The information displayed on the Candidate's personal web page or website is limited to the following:

- A. The information and pictures published in the Candidate's pre-approved Campaign brochures as described above;
- B. Information regarding scheduled appearance dates at State Bar of Texas, local bar association or private meetings;
- C. Any Campaign information that is distributed on the State Bar website or printed in the *Texas Bar Journal* regarding the Candidate.
- D. All information to be published on a personal web page or website must be submitted to the chair of the Subcommittee for approval before publication.
- E. A Candidate who has maintained a firm web site or individual web page for professional purposes prior to becoming a Potential Nominee may continue to maintain that website or webpage for conducting normal and customary business, but not campaigning during the Campaign Period. The Candidates may agree to use a

Board of Directors Sample Nominating Petition

The petition form below is suggested for the convenience of persons who want to nominate a member for the State Bar Board of Directors. The election will be held in April.

The guidelines for election of president-elect and directors are printed on the previous pages. If you wish to become a candidate for president-elect or director and need additional information, contact Candiss Held, Officer/Director Services, State Bar of Texas, P.O. Box 12487, Austin 78711-2487; call

(512) 427-1416 or (800) 204-2222, Ext. 1416; or fax (512) 427-4108. Pursuant to the rules governing the State Bar of Texas, nominating petitions must be received no later than 5 p.m. March 1. Names on the petition should be either typed or printed and the bar card number of each individual should be provided. Completed petitions should be mailed to Office of Executive Director, Attn: Candiss Held, State Bar of Texas, P.O. Box 12487, Austin 78711-2487.

PETITION FOR ELECTION

We, the undersigned, being at least five percent of the members of the State Bar whose principal place of business is in the _____ bar district, or 100 of such members, whichever is less, do hereby nominate _____ of _____ as a candidate for director of the State Bar of Texas from that district and request that his or her name be placed on the official ballot for 2011, pursuant to Article IV, Section 7, of the State Bar Rules.

The proposed candidate meets the requirements for director as stipulated in Article IV — Administration, Section 5, Qualification of Officers and Directors, parts (A), (1) through (10) of the State Bar Rules.

SIGNATURE

PRINTED NAME

BAR CARD NUMBER

SIGNATURE	PRINTED NAME	BAR CARD NUMBER



portal on the State Bar website to distribute their personal positions on issues facing the State Bar and respond to inquiries from lawyers. The criteria and rules for using this process shall be established by the Subcommittee.

2.01.16 Campaign Conduct. The Candidates and their supporters shall make a reasonable effort to conduct the Campaign in a professional and dignified manner. In communicating with State Bar members, whether by letter, card, fax, email, or telephone, Candidates and their supporters shall concentrate on the merits of their candidacy and avoid criticism of the other Candidates.

2.01.17 Campaign Oversight. Candidates shall consult with the chair of the Subcommittee concerning the interpretation of these rules. The Subcommittee shall supervise the guidelines, eligibility, nominations, campaign, and election to ensure compliance with the rules and shall resolve all such dis-

putes and decide all penalties. Decisions and interpretations made by the Subcommittee hereunder shall be final.

- A. In the event of any violation of the rules by or on behalf of a Potential Nominee, Nominee, and/or Candidate, the Subcommittee shall determine if the violation is minor or major.
- B. In the event of a minor violation, the Subcommittee may allow the other Candidates to engage in like activity.
- C. In the event of a major violation, the Subcommittee may publicly censure the Candidate committing the violation through a communication on the State Bar website. Such public censure may also be written by the Subcommittee and distributed with any ballot to the members of the State Bar in whatever manner the committee deems appropriate.

2011 STATE BAR OF TEXAS DIRECTOR ELECTION BIOGRAPHY INFORMATION

NAME *(Print name as shown on your Bar membership card)* BAR DISTRICT # PLACE BAR CARD NO. SPOUSE'S NAME

(Please email to cheld@texasbar.com or enclose a recent photograph of yourself plus one recent photograph of you and your spouse (if applicable) together. Prints 5x7 or smaller are acceptable.)

Office Address

FIRM NAME

STREET ADDRESS

MAILING ADDRESS

CITY

ZIP

EMAIL

PHONE

FAX

ASSISTANT'S NAME

PHONE

EMAIL

Home Address

STREET ADDRESS

MAILING ADDRESS

CITY

ZIP

PHONE

Education

COLLEGE/UNIVERSITY

DEGREE

YEAR GRADUATED

LAW SCHOOL

DEGREE

YEAR GRADUATED

HONORS AND AWARDS

Other Professional Organizations and Honors *of which you are (were) a member with appointive or elective positions (include dates).*

Child(ren)'s Name(s) — *Please identify if lawyer or law student.*

Please feel free to attach a copy of your resume or any other pertinent information.



Guidelines for Election To the Board of Directors

1.03 ELECTED DIRECTORS

1.03.01 General. Elected Directors shall be elected by a majority of the active and emeritus members of the State Bar voting who have their principal place of practice in the same bar district as the candidate. If no candidate receives a majority, a runoff between the two candidates receiving the greatest number of votes shall be held at a time the Board prescribes.

1.03.02 Term. Each person elected as a Director shall serve a three-year term.

1.03.03 Nominations. An active member's name may be placed in nomination for the office of elected Director by a written petition in the form prescribed by the Board.

- A. The petition shall be signed by the lesser of five percent of the active members whose principal place of practice is within the district to be represented by the nominee if elected or one hundred of such members.
- B. The petition must be received in the office of the Executive Director on or before March 1 of the year of election.
- C. The Executive Director shall promptly review the petition to verify the eligibility of the nominee.
- D. If from the petition it appears the nominee is eligible, that nominee's name shall be listed on the ballot. If from the petition the Executive Director finds the nominee to be ineligible, that fact shall immediately be communicated to the nominee.
- E. Any nominee desiring to appeal the findings of the Executive Director shall forthwith notify the Executive Director, who shall forthwith convene the Executive Committee to hear and determine the matter.
- F. The Executive Committee shall have final authority to determine questions of the eligibility of the nominee and the validity of the nominating petition and shall do so within ten days of the notice to the Executive Director.
- G. The petitions may be in counterparts and signatures on counterparts are permissible.
- H. If no valid petition nominating an eligible person in a district in the year in which such district is to elect a Director has been received by the Executive Director by March 1, or if all persons who have been nominated shall have died or become disqualified from serving at any time before the election ballot is printed, then the President, with the advice of the person then serving as elected Director or Directors from that district, shall name a qualified person to stand for election as Director from that district.

1.03.04 Eligibility Certification Form. Candidates for elected Director shall be requested to sign an eligibility certi-

fication form, which should be received in the office of the Executive Director at the same time as the petition. The certification form shall set forth the eligibility requirements and shall contain the following:

As a candidate for the office of director, I, _____, certify that I understand the following criteria as contained in the State Bar Rules, Article IV, Section 5(A), relating to serving as a director of the State Bar of Texas, and that after reviewing the criteria, I am eligible to serve as a director.

Additionally, I understand that no Officer or Director of the State Bar, or member of a grievance committee of the State Bar, shall counsel or represent any Complainant or Respondent in any disciplinary proceeding or action, pending or filed during the term of the affected person's service as an Officer, Director, or grievance committee member.

Signature

Date

1.03.05 Eligibility Requirements. No person may serve as an Officer or Board Member who:

- A. has not taken the official oath by the second regular board meeting next following the commencement of the term for which he was elected or appointed;
- B. as to an elected or *ex officio* Board Member or an Officer, is not an active member in good standing;
- C. as to an elected or *ex officio* Board Member or an Officer, has ever been suspended or disbarred from the practice of law;
- D. as to an elected Director, does not maintain in the district from which elected, his principal place of practice;
- E. as to an elected Director, has his principal place of practice in the same county as the last preceding Director from that district, except for an elected Director in a metropolitan county;
- F. as to an elected Director, has previously served at least one and a half (1½) years of the immediately preceding Director's term;
- G. is, or becomes, incapacitated from performing the duties of such office for all or a substantial portion of such term;
- H. as to a Board Member, fails to attend without good cause, any two (2) consecutive regular meetings of the board or any four (4) meetings of the board;
- I. as to a public Director, has failed confirmation by the senate of the State of Texas; or
- J. is an elected official paid by the State of Texas, except that such prohibition shall not apply to public Directors or liaisons.

1.03.06 Failure to Qualify. If an elected Director fails to qualify, the Director shall be deemed to have vacated the position.

