

ADMINISTRATION OF RULES OF EVIDENCE • ADVERTISING REVIEW • ANNUAL MEETING  
CHILD ABUSE AND NEGLECT • CONTINUING LEGAL EDUCATION • COURT RULES  
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LAW PRACTICE MANAGEMENT • LEGAL SERVICES TO THE POOR IN CIVIL MATTERS  
LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS • LOCAL BAR SERVICES • PARALEGALS  
PATTERN JURY CHARGES — BUSINESS, CONSUMER, INSURANCE AND EMPLOYMENT

## 2011-2012 State Bar of Texas

# COMMITTEE REPORTS

**Committee reports** are included in the July issue of the *Texas Bar Journal* to keep Texas lawyers updated on State Bar activities. The reports do not necessarily reflect the official policy of the State Bar of Texas. State Bar policy is formulated by the State Bar Board of Directors or by the membership through referendum. For more information or to complete a Committee Volunteer Interest Form, visit [texasbar.com/committees](http://texasbar.com/committees) or call (800) 204-2222, Ext. 1503.

PATTERN JURY CHARGES — CRIMINAL • PATTERN JURY CHARGES — FAMILY AND PROBATE  
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## ADMINISTRATION OF RULES OF EVIDENCE

*Fields Alexander, Chair*

The committee has turned its attention to a proposed re-styling of the Rules of Evidence. At the request of the Supreme Court Advisory Committee, this committee is working on re-styling the Texas Rules of Evidence in a manner consistent with the re-styled Federal Rules of Evidence that went into effect on Dec. 1, 2011. Like the new federal rules, our express objective is to make the Texas rules easier to understand and use without substantively changing their meaning.

The re-styling effort has proven to be both interesting and challenging. For those rules that are similar or identical to their federal counterpart, we have endeavored to mirror the re-styled Texas rules after their federal counterparts. With regard to Texas rules that differ from their federal counterparts (or have no analogous federal rule), our committee is applying the principles of the federal re-styling effort (simplicity, ease of use, minimizing legal jargon) in an effort to modernize and simplify all existing Texas Rules of Evidence.

Our committee is currently hard at work on the re-styling effort. Our goal is to have a completed version of the re-styled rules of evidence for presentation to the Supreme Court Advisory Committee by next spring.

## ADVERTISING REVIEW

*Mike McKetta, Chair*

The committee continues to work in pursuit of its three objectives: 1) educate the Bar about the provisions of the Advertising Rules, 2) provide guidance to the State Bar regarding compliance with Part VII, and 3) ensure compliance with the Advertising Rules by reviewing and approving filed advertisements.

Gene Major, director of the Advertising Review Department; Michael Dobbs, coordinator of the Advertising Review Department; and various members of the committee gave a number of presentations this year to educate lawyers and others about the requirements and restrictions imposed by the Advertising Rules. These included live, videotaped, and web-based presentations. Major also presented information regarding the committee and its relationship with the Chief Disciplinary Counsel's Office at the 2012 Grievance Symposium. Committee mem-

bers Pat Rafferty and Al Harrison were authors of a *Texas Bar Journal* article regarding social media and the rules (March 2012). The committee continued working with the publishers of "Super-lawyers," "Rising Stars," and other similar publications to ensure that attorney advertising related to these publications is filed with and reviewed by the committee before final publication.

The committee provided guidance regarding the rules by meeting throughout the year. The committee met regularly in Austin to review advertisements filed with the State Bar as required by the Advertising Rules. The committee received more than 3,500 applications in the 2011–12 bar year. The number of filings has consistently increased, with the largest category of submissions filed being electronic/websites.

## ANNUAL MEETING

*Travis Sales and Alistair Dawson, Co-Chairs*

The 2012 Annual Meeting took place in Houston, June 14–15. The Houston-based Annual Meeting Committee aimed to offer a diverse selection of premium CLE for the best value and featured renowned speakers, including former U.S. Secretary of State James Baker, best-selling author Richard North Patterson, and entertainment attorney Marshawn Evans.

Offering more than 90 informative learning sessions, this year's meeting featured programs for everyone from the first-year associate to the seasoned professional. State Bar sections provided practice-specific programs, as well as joint events including the Diversity Forum and the Adaptable Lawyer Legal Innovation Track. Attendees were able to examine Texas' legal history through 21 legal documents recovered and restored thanks to the efforts of the Supreme Court of Texas' Texas Court Records Preservation Task Force.

During the Annual Meeting General Session, 2011–12 President Bob Black gave parting remarks and Buck Files was sworn in as 2012–13 president of the State Bar. At the Texas Young Lawyers Association reception, 2011–12 TYLA President Natalie Cobb Koehler thanked young lawyers for their service and gave farewell remarks. C.E. Rhodes was sworn in as the 2012–13 president of TYLA. The Houston community and law firms statewide deserve acknowledgement and gratitude for their dedicated support of the State Bar Annual Meeting.

The 2013 Annual Meeting will be held in Dallas on June 20–21.

## CHILD ABUSE AND NEGLECT

*Carole Hurley, Chair*

To address the educational needs of attorneys involved in child protection litigation, the committee once again conducted a one-day workshop at the Advanced Family Law Conference and worked with the Family Law Section to make this training more affordable for government and court-appointed attorneys. The Supreme Court of Texas Permanent Commission for Children, Youth and Families provided scholarships to a number of attorneys to attend the workshop.

The committee continues to distribute English and Spanish copies of its DVD on shaken baby syndrome, *When Babies Cry*.

The committee is participating in a number of arenas to bring greater public awareness to the problem of prenatal alcohol exposure, especially in the population of abused and neglected children. The committee continues to post resources for child protection litigators at [texaslawyersforchildren.org](http://texaslawyersforchildren.org), which provides free access to legal research tools concerning child protection and to communication tools that allow judges and attorneys to have a dialogue with colleagues. The site also provides a way for attorneys to access pro bono opportunities in child protection cases. The committee selected an attorney to receive its annual Fairy Davenport Rutland Award for Distinguished Service to Children and Families, to be presented at the 2012 Advanced Family Law Conference in August.

## CONTINUING LEGAL EDUCATION

*Deborah J. Bullion, Chair*

The Continuing Legal Education (CLE) Committee met twice with the State Bar Board of Directors Professional Development Subcommittee to discuss the challenges and opportunities facing TexasBarCLE and TexasBarBooks. This past year, TexasBarCLE exceeded its expected performance from live courses as well as online products and has maintained its position as the leading provider of quality CLE in Texas. The committees discussed plans to ensure that TexasBarCLE's leading position is maintained and enhanced. With advances in technology, TexasBarCLE has been able to reach out and serve more lawyers in more ways than ever before.

Considerable discussion has been given to the expansion of webcasts and online classrooms focusing on a broad spectrum of relevant subject areas, including practice tips for not only new attorneys but also for attorneys transitioning into new practice areas. Members of the CLE Committee have been assigned to serve as liaisons on numerous CLE planning committees to ensure the highest level of quality in the planning and presentation of CLE courses and to ensure that courses reflect the ethnic, gender, practice, and geographic diversity of the Bar.

## COURT RULES

*Russ Meyer, Chair*

The full committee met six times during the 2011–12 term. It focused on two major rulemakings required by House Bill 274, the so-called “loser pays” law enacted during the last legislative session and also recommended changes to procedural rules governing service, discovery, and summary judgment.

Specifically, the committee recommended (1) a new Texas Rule of Civil Procedure (TRCP) 13a, addressing dismissal of causes of action with no basis in law or fact, in order to comply with H.B. 274; (2) a substantial reorganization of TRCP 21, 21a, and 21b governing service; and (3) amendments to TRCP 199.4 regarding objections to the time and place of oral depositions.

The committee anticipated making recommendations after its May 25 meeting regarding (1) proposed new TRCP 168 and 169, governing expedited resolution of certain civil actions, in order to comply with H.B. 274; (2) proposed amendments to the no-evidence summary judgment rule, TRCP 166a(i); and (3) proposed rules requiring certain claims to be pleaded with particularity.

The committee discussed but declined to recommend changes to several rules, including TRCP 202 (pre-suit depositions) and 244 (service by publication). Finally, the committee created a hyperlinked list of all rule recommendations submitted to the Texas Supreme Court since June 1995, finalized its work collecting local rules from trial courts statewide, and made changes to its webpage.

## CRIME VICTIMS

*Charles N. Geilich, Chair*

The goal of the Crime Victims Committee is to educate the legal profession and the public about legal and social resources

available to crime victims. The updated webpage ([texasbar.com/crimevictims](http://texasbar.com/crimevictims)) provides information on local, state, and federal crime victim rights and resources.

The committee has created an article detailing crime victims’ rights and resources. It is the committee’s intention to submit this article to legal publications and newsletters across the state to help reach as many practitioners as possible.

Members of the committee continue to travel the state to present the committee’s signature training, “A Lawyer’s Ethical Responsibilities to Crime Victims.” The presentation details crime victims’ rights, which includes the Crime Victims Compensation Program administered by the Office of the Texas Attorney General. This presentation has been approved for one hour of CLE ethics. Contact the State Bar Committees Department to request this presentation at a meeting, CLE, or conference.

The committee has filmed 10 Ten Minute Mentor videos, which are available at [tyla.org](http://tyla.org). These presentations cover a wide range of victims’ issues, such as child abuse, dating violence, family violence, human trafficking, state and federal crime victims’ rights, and the Crime Victims Compensation Program.

## DISABILITY ISSUES

*Judy M. Spalding, Chair*

The Disability Issues Committee’s Mentorship Program continues to match volunteer attorneys with disabled law students and new attorneys. The committee made a presentation about its program at the American Bar Association’s National Conference on the Employment of Lawyers with Disabilities.

The committee is developing a referral source about rules, laws, and regulations for the accessibility of shelters and other temporary housing. The goal is to help providers offer such housing for persons with disabilities or who have difficulties accessing facilities. Currently, the committee is seeking funds to produce a DVD and brochure on the rights of people with disabilities in homeless shelters.

Committee members presented a webcast about recent legislative changes in disability laws in Texas. Although the Sign Up Fund did not receive additional funding, the committee continues to educate attorneys about their duties under the Americans with Disabilities Act to provide sign language interpreters for deaf clients,

beginning with the initial consultation. The committee is identifying those counties with programs that assist deaf litigants and witnesses in the courtroom.

The committee is working with LeadershipSBOT to explore and analyze the creation of a Disability Law Section. LeadershipSBOT participants planned to survey Texas lawyers in the near future about this issue. As in prior years, the committee participated in the planning of the 2012 Special Education and the Juvenile Justice System Course. The committee continues to track mental health issues and programs, especially in relation to veterans of the armed forces.

## JURY SERVICE

*Susan Burnette, Chair*

The Jury Service Committee’s primary goals this year were to promote juror education and to investigate ways to improve the jury service experience and increase juror participation. Much of the committee’s work this year focused on the results of a jury service survey the committee conducted in January 2011. The committee surveyed Texas county clerks and district clerks to learn what strategies are working to encourage broad citizen participation in jury service so that information could be shared with courts and lawyers throughout the state.

To that end, the committee prepared an article for the *Texas Bar Journal*, published in the April 2012 issue, summarizing the survey results for Bar members. A subcommittee plans to distribute the article and survey results to Texas county clerks and district clerks at their annual meeting to solicit further input on ways to improve jury service.

Another subcommittee worked on providing assistance to clerks who participated in the survey and requested assistance that the committee could reasonably provide. Services requested included furnishing copies of the Texas Uniform Jury Handbook and providing sample thank you letters to send to jurors for their service. Because many survey respondents requested assistance in emphasizing the importance of jury service in their communities, the subcommittee began to investigate developing a public service announcement on that topic.

## LAW FOCUSED EDUCATION

*Daniel David Hu, Chair*

This past fall, committee members met with their local school districts or private school networks and provided them with the latest materials developed by the Law-Related Education Department for the implementation of the new Texas Essential Knowledge and Skills (TEKS) for Social Studies, which started Aug. 1, 2011. These materials included grade level-specific lessons and more than 400 “Bio Cards” on the people mentioned in K-12th grade documents.

The committee continued to support the implementation of the *Play by the Rules: Texas Laws for Youth* project during the 2011–12 school year. Committee members reviewed the booklet and made suggestions on updating.

In addition, committee members successfully implemented the Texas Bar Foundation grant-funded *We the People ... the Citizen and the Constitution* competition on Dec. 10, 2011. Committee members served as judges or facilitators for the competition. Unless the committee can raise significant outside funds, this competition benefiting hundreds of students will not occur in 2012.

Law Focused Education Committee members continue to speak to participants at local Law Focused Education events and promote the use of the Law Focused Education, Inc. website ([texas-lre.org](http://texas-lre.org)) and national programs such as [iCivics.org](http://iCivics.org) and the Public Service Division of the American Bar Association.

## LAW PRACTICE MANAGEMENT

*William W. Miller, Jr., Chair*

The Law Practice Management Committee had a very active year. During the Annual Meeting in June 2011, the committee once again presented a daylong LPM seminar with record attendance. Throughout the year, committee members presented “Planning to Conquer the Real World of Private Practice” to law students at the following law schools: Southern Methodist University Dedman School of Law, South Texas College of Law, St. Mary’s Law School, Texas Tech Law School, and Texas Wesleyan School of Law.

The committee also partnered with TexasBarCLE in presenting numerous webcasts to Texas lawyers throughout the year, including “Ethical Office Sharing” and “iPad for Litigators,” which had more

than 350 people in attendance. By the end of the year, the committee had conducted four quarterly committee meetings and, arising from those meetings, submitted for consideration by the State Bar MCLE Committee proposed rule changes to its Accreditation Standards for CLE Activities used to determine what programs are eligible for CLE credit in Texas. As of the April 2012 State Bar Board Meeting, several changes to the Accreditation Standards were passed by a unanimous vote.

## LEGAL SERVICES TO THE POOR IN CIVIL MATTERS

*Hon. Jay Patterson, Chair*

The Legal Services to the Poor in Civil Matters Committee’s LiveHelp Subcommittee again worked closely with the Houston Volunteer Lawyers Program, Texas Access to Justice Foundation, Texas Legal Services Center, and other stakeholders to promote civil legal services for low-income Texans when wildfires devastated much of Texas. In the aftermath of the wildfires, the subcommittee continued to explore ways of expanding the everyday LiveHelp volunteer base while ensuring that the disaster-related LiveHelp can be implemented quickly when assistance is needed.

The committee continued to review the State Bar’s pro bono survey results to identify barriers to attorneys engaging in pro bono representation. The Pro Bono Subcommittee discussed strategies for increasing participation of attorneys in the annual survey and examined the possibility of bringing the survey in-house. The subcommittee plans to make recommendations to change the survey to make it more relevant and accessible.

The Law School Subcommittee developed a proposal for a State Bar Law Student Pro Bono College to promote pro bono service among students and recognize the work that they are already providing. The Law Student Pro Bono College would be the first of its kind in the country. The subcommittee is working with the Texas Access to Justice Commission’s Law School Advisory Committee to ensure there is input from each of the schools.

This year, the Judge Merrill Hartman Pro Bono Judge Award was added to the State Bar’s Pro Bono Excellence Awards. Recipients of these awards were recognized during the Annual Meeting in Houston.

## LEGAL SERVICES TO THE POOR IN CRIMINAL MATTERS

*Jeff Blackburn, Chair*

This year, the committee continued to disseminate the *Performance Guidelines for Non-Capital Criminal Defense Representation*. The Guidelines Implementation Subcommittee was formed to investigate and report on the implementation of the *Guidelines* to find ways to encourage efficient implementation. Members of the committee made several presentations on the *Guidelines*, including at the Symposium and Workshop on Indigent Defense and Texas Center for the Judiciary Conference. The committee will also develop *Guideline* training materials, including a substantive webinar.

The committee promoted their informative brochure on collateral consequences associated with a misdemeanor conviction to court clerks across Texas and university legal advisors. The brochures educate misdemeanor defendants on the right to appointed counsel, how to obtain appointed counsel, and the collateral consequences of a misdemeanor conviction throughout the state. A recent collaboration with the Immigration Task Force will result in the production of similar brochures to educate non-citizens of their rights and the collateral consequences associated with criminal convictions.

The committee explored mentoring models and proposed recommending best practices for mentoring in indigent defense. The committee additionally examined various national and Texas public defender models.

This summer, the committee will present the inaugural State Bar of Texas Michael K. Moore Award at the annual Advanced Criminal Law Seminar. The award, named for Dr. Michael K. Moore, will recognize extraordinary contributions in research and writing in the area of indigent defense.

## LOCAL BAR SERVICES

*Carlos Eduardo Cárdenas, Chair*

The Local Bar Services Committee fosters the relationship between the State Bar and local bar associations throughout the state. During the 2011–12 bar year, the committee encouraged local bars to hold Law Day contests and hosted a statewide contest for students. At the State Bar’s Law Day Ceremony, more than 24 student statewide winners were recognized for their excellence in capturing

ing this year's theme, "No Courts, No Justice, No Freedom."

The committee also judged the annual Stars of Texas Bars Awards, which recognize the work of local bar associations. Award recipients were acknowledged at the Bar Leaders Recognition Luncheon during the State Bar Annual Meeting in Houston.

The committee planned the programming for the 2012 Bar Leaders Conference July 13–14 in Houston. The Bar Leaders Conference brings State Bar officers, directors, and local bar leaders together to discuss common issues, share resources, and highlight the great work accomplished throughout the state.

The committee continued and enhanced services offered by the State Bar to local bar associations, including strategic planning assistance, e-newsletters, free CLE speakers, and off-the-shelf projects.

## PARALEGALS

*Hon. Linda Thomas, Chair*

This was a record-breaking year for the Paralegals Committee. The 30th annual Texas Forum held at Courtroom Sciences, Inc., in Irving, drew more than 250 attorneys, paralegals, and students. The increased attendance was due in large part to the newly offered Boot Camp. A huge thanks goes to Forum Committee Co-Chairs Allen Mihecoby and Darla Fisher, and State Bar liaison Judy Marchman for making the event such a success. The committee is eagerly working on plans for Texas Forum 2013. The committee has established a *pro hoc* subcommittee for Long Range Planning, with numerous tasks to be completed by the committee in coming years.

The committee approved a proposed Texas Paralegal's Creed, which will be presented to the State Bar Board for approval. The committee is updating and redrafting the *Attorneys' Guide to Practicing with Paralegals*, and hopes to have it completed and distributed at the 2013 Texas Forum. The committee receives biannual reports from the Paralegal Division of the State Bar of Texas.

The committee continues gathering information on paralegal services performed under the direction and supervision of a licensed attorney in addition to the evaluation and development of policies and procedures regarding paralegals and their contribution to the legal profession.

## PATTERN JURY CHARGES — BUSINESS, CONSUMER, AND EMPLOYMENT

*J. Brett Busby, Chair*

This year, the committee has been hard at work on the 2012 edition of *Texas Pattern Jury Charges: Business, Consumer, Insurance & Employment*, which will be published in November. The new edition will include new questions on invasion of privacy and fiduciary duty, a new comment on preservation of error, and updated admonitory instructions that reflect revisions recently adopted by the Texas Supreme Court. Practitioners and judges are encouraged to review and comment on the proposed new questions at [texasbarbooks.net](http://texasbarbooks.net).

The committee has also revised existing questions and commentary to incorporate changes in statutes and caselaw and it has updated citations throughout the book. The committee continues to collaborate with the other Pattern Jury Charge drafting committees and with the Pattern Jury Charges — Oversight Committee to resolve differences and to ensure consistency among the volumes as much as possible.

The committee will focus its efforts on several new projects during the upcoming non-publication year. In particular, the committee has already begun work on pattern charges for construction contracts, insurance contracts, misappropriation of trade secrets, tortious interference with employment at will, and spoliation and it intends to include these charges in the subsequent 2014 edition. If practitioners or judges have charges on any of these topics that they would like to share with the committee, please send them to [books@texasbar.com](mailto:books@texasbar.com).

## PATTERN JURY CHARGES — CRIMINAL

*George Dix, Chair*

The Pattern Jury Charges — Criminal Committee has produced three volumes of pattern jury charges. The committee has tried to improve juror comprehension of instructions by using plain language with a minimum of technical legal jargon. Also, the pattern charges follow a straightforward format that should improve the ability of the jury to understand the instructions. The first book in the series, *Texas Criminal Pattern Jury Charges — Intoxication and Controlled Substances*, was published in Fall 2009. *Texas Criminal*

*Pattern Jury Charges — Defenses* was published in Fall 2010. The third volume, *Texas Criminal Pattern Jury Charges — Crimes against Persons*, was published in December 2011. That volume covered kidnapping; homicide offenses; assaultive offenses, including sexual assault, deadly conduct, injury to a child, abandoning a child, and endangering a child; other sexual offenses, such as indecency with a child and continuing sex abuse; and robbery.

This year, the committee focused on property crimes. In Fall 2012, the State Bar will publish the fourth volume of the criminal jury instruction series, featuring instructions on arson, criminal mischief, burglary, trespass, theft, credit card abuse, and misapplication of fiduciary property.

The pattern instructions in all four volumes are accompanied by extensive commentary.

## PATTERN JURY CHARGES — FAMILY AND PROBATE

*Joan F. Jenkins, Chair*

The 2012 edition of the *Texas Family Jury Charges: Family and Probate* was published in April 2012. This is the first time that the Texas jury charges have been expanded to include probate material. The new volume encompasses more than 49 new pattern jury charges related to the subjects of will contests, express trust, guardianship of adults, and involuntary commitment. The effort to expand the pattern jury charges to include probate charges as requested by the State Bar of Texas was headed by Jerry Frank Jones, a vice chair of the full committee, and aided by some of the state's most capable probate attorneys.

In addition to the inclusion of the probate charges, the 2012 edition also incorporated all necessary revisions mandated by the last legislative session, including a number of revised comments and instructions.

## PATTERN JURY CHARGES — MALPRACTICE, PREMISES, AND PRODUCTS

*Jeff Levinger, Chair*

Since the 2010 edition of the *Texas Pattern Jury Charges: Malpractice, Premises, and Products* was published, the committee has met numerous times to identify, research, and draft changes for the next edition that is planned for publication in Fall 2012. From an initial list of nearly 40 potential topics, the committee expects that the 2012 edition will contain approx-

imately 25 significant revisions and additions. As always, our guiding principle is to “get it right,” and we welcome comments, critiques, and suggestions from both judges and practitioners.

The committee is making several significant revisions to the chapters on malpractice and damages, including comments on agency issues in the hospital context, modifications to medical expense questions in light of *Haygood v. Escabedo*, sample damage instructions for accounting malpractice cases and fiduciary breach questions in cases involving attorneys. The 2012 edition will also include a new chapter with questions and instructions pertaining to penal code violations that trigger the imposition of joint and several liability. And for the first time, the volume will include questions and instructions on all 17 of the statutory grounds for removing the limitations on exemplary damages. When necessary, the revisions have been vetted by the Pattern Jury Charges — Oversight Committee and the other PJC volumes.

Drafts of some of the committee’s proposed changes will be posted before publication on [texasbarbooks.net](http://texasbarbooks.net), where they can be reviewed and critiqued.

### **PATTERN JURY CHARGES — OVERSIGHT**

*Judge Tracy Christopher, Chair*

The Oversight Committee reviews all changes made to each individual volume of the pattern jury charges. The committee worked with the other PJC committees to achieve a consistent work product. The committee also suggested potential new areas for the individual volumes to consider.

### **PUBLIC AFFAIRS**

*William W. Ogden, Chair*

The Public Affairs Committee successfully implemented two major initiatives in 2012: (1) planning an outstanding program for the Open Government Seminar at the State Bar Annual Meeting and (2) continuing its partnership with the Freedom of Information Foundation of Texas (FOIFT) in presenting the Texas Gavel Awards.

The Open Government Seminar this year included two superb panel discussions. One focused on recent Texas cases raising issues about public officials’ use of social media and the issues created under the Open Meetings Act and the Public

Information Act. The second focused on the use of electronic media in the courtroom, including the Texas Supreme Court’s experience with webcasts of its oral arguments. The committee continued its partnership with the Government Law Section in providing this exceptional and timely CLE to members, government officials, and journalists.

As part of its commitment “to expand public understanding of the legal system, and to foster relations with the news media to further these goals,” the committee again partnered with FOIFT to present the 2012 Texas Gavel Awards, recognizing outstanding journalism that enhances public understanding of the legal system. The committee gathers entries from Texas journalists, oversees a distinguished panel of experts to judge the competition, and presents the Gavel award winners at a luncheon held in conjunction with the FOIFT annual meeting.

### **REAL ESTATE FORMS**

*Rick Spencer, Chair*

The Real Estate Forms Committee monitors changes in the field of real estate law and revises the *Texas Real Estate Forms Manual*. In 2011–12, the committee addressed changing federal home loan regulations and statutory changes made by the 82nd Texas Legislature, as well as new state and federal caselaw for a supplement to be published in 2012. This supplement also included the legislative changes to the construction and mechanics’ lien laws, with the addition of five new forms in those chapters. The committee also greatly expanded chapters concerning condominiums and property owners associations, an area of the law heavily amended in the 82nd legislature. Eleven new forms were added to this part of the manual. In total, 21 new forms were added to the *Manual* in the past year to maintain its legal accuracy and relevance as an important tool for Texas lawyers.

### **TEXAS BAR JOURNAL BOARD OF EDITORS**

*Michael C. Smith, Chair*

The *Texas Bar Journal* is the official publication of the State Bar of Texas. In continuous publication since 1938, the magazine serves as a publication of record for the Supreme Court of Texas, a scholarly legal journal, and the association magazine for the State Bar of Texas. Each

month, the *Texas Bar Journal* is distributed to approximately 100,000 subscribers — and is the only publication reaching every lawyer in Texas. The Board of Editors reviews legal article submissions, develops issue topics, and sets general editorial direction for the magazine.

In 2011–12, the *Texas Bar Journal* Board of Editors developed issues on a number of subjects, including the state of forensic science, the latest in animal law and Texas school law, and an exploration of the modern jury. The *Journal* also featured several State Bar and Texas Young Lawyers Association initiatives, including civics education for Texas students and teachers, attorney wellness issues, veterans issues, and the legal and physical consequences of teenage binge drinking. A special issue in March was dedicated to the work of the Texas Supreme Court’s Texas Historical Court Records Task Force and highlighted 21 preserved court records. The Board contributed to a new installment of the popular “Party Talk” feature and offered informative “Year in Review” and “Legislative Update” issues. Another round of outstanding short stories written by Texas lawyers was also featured. The Board is working with staff members on a redesign for January 2013.

### **TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT**

*Patricia Chamblin, Chair*

The committee continued to review the Texas Disciplinary Rules of Professional Conduct to identify additions or revisions that would significantly assist lawyers, clients, the public, and the profession. The committee also continues to monitor the work of the American Bar Association’s (ABA) 20/20 Commission to determine whether it should respond to any action by the ABA or its commission. The committee is not recommending any response at this time.

### **TEXAS LAWYERS’ ASSISTANCE PROGRAM**

*Dan Garrigan, Chair*

The Texas Lawyers’ Assistance Program (TLAP) provides confidential peer assistance to attorneys, judges, and law students whose lives, practices, and studies are affected by alcoholism, substance abuse, depression, mental health issues, stress, and similar conditions. During the 2011–12 fiscal year, TLAP received calls for assistance from more than 500 attor-

neys and 200 concerned others.

This year, TLAP staff, committee members, and lawyer volunteers made more than 50 presentations at local and specialty bar association meetings, CLE events, and conferences about the confidential help available through TLAP and other resources. In addition to these educational outreach opportunities, TLAP continued to reach readers of the *Texas Bar Journal* and a variety of local bar associations through its publication of articles throughout the year. TLAP also maintains an active presence on the Internet through its webpage at [texasbar.com/tlap](http://texasbar.com/tlap) and receives an increasing number of requests for assistance via this medium.

Also, TLAP has continued its specialized outreach to judges, with articles and presentations to judges throughout the year. Through this outreach, TLAP has reached an audience of 1,115 judges across Texas. TLAP has also augmented its outreach to the nine Texas law schools, with continued presentations to students and support to the schools via the Annual Law School Dean of Students Networking Luncheon.

TLAP also worked with the Texas Lawyers Concerned for Lawyers (TLCL) organization to produce the Annual TLCL Convention on June 1–3.

### WEB SERVICES

*Mark I. Unger, Chair*

This past bar year saw a number of milestones for the association's online services, with the input and advice of the Web Services Committee. In April 2012, the internal website search on [TexasBar.com](http://TexasBar.com) was replaced with a Google search appliance (Google mini) to improve the speed and accuracy of website searches.

In May 2012, the State Bar formally launched Texas Bar Today ([texasbar.today.com](http://texasbar.today.com)), a new WordPress-powered site that is updated daily to feature legal news and commentary by Texas lawyers. The first of its kind by a bar association, the website provides valuable information to lawyers and the public while raising the visibility of State Bar members and their practices. To have your blog or a colleague's blog listed on Texas Bar Today, email [webmaster@texasbar.com](mailto:webmaster@texasbar.com).

The committee organized State Bar

promotion of the 2012 ABA Techshow, which allowed State Bar members to attend the March 2012 event at a substantial discount.

For the June 2012 State Bar Annual Meeting, the Bar again offered a free app in the iTunes, Android, and Blackberry stores, which allowed attendees to browse and select their schedules and connect with other attendees. The meeting featured the third annual Adaptable Lawyer Legal Innovation and Technology Track, produced with input and assistance from the committee.

The committee plans to continue to monitor and support innovation in the Bar's online services, which are now central to each member's interaction with the State Bar in terms of profile management, dues payment, MCLE compliance, and practice tools.

### WOMEN IN THE PROFESSION

*Judy L. Ney, Chair*

The committee has continued publicity for its book on the history of the lives and careers of women lawyers in Texas, *Rough Road to Justice: The Journey of Women Lawyers in Texas*, by Betty Chapman, published by TexasBarBooks. Copies of the book were given to the U.S. Supreme Court judges and other groups and libraries in the state. Another ongoing project is the creation of a short video to advise new women lawyers in their search for work, either at a law firm, in solo practice, or in a job quest.

Also, work is progressing on the creation of a continuing legal education roundtable aimed at human resources and diversity officers in the law firm management arena regarding the stagnation that the profession has experienced with respect to the retention of woman lawyers and the advancement of women into partnership and leadership positions.

The committee is also coordinating efforts for a program in conjunction with the University of Texas Center for Women in Law. Committee members participated in the interviews for a new minority director and we continue to support and meet in conjunction with the Texas Minority Counsel Program. The committee is available as a resource for women veterans. As always, the committee continues to work with other bar groups and sections to promote the interest of women in the legal profession. ♣

## SHARE THE NEWS!

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in the *Texas Bar Journal*!



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Call Susan Brennan at (800) 204-222, Ext. 1523