

OFFICIAL MINUTES
STATE BAR OF TEXAS
BOARD OF DIRECTORS MEETING
San Antonio, Texas
January 25, 1991

The meeting was called to order by Chairman Hile. All members were present except for Mike Lytle and Thelma Sanders Clardy both of whom had excused absences.

1. REPORT OF CHAIRMAN

A. Approval of Minutes

Upon motion properly made and seconded, the minutes of the November 2, 1990, Board of Directors meeting were approved as distributed.

B. Ratification of Actions

Upon motion made by Preston Dial and seconded by Martha Dickie, the actions taken by the Executive Committee at the December 20, 1990, and the January 18, 1991, meetings were ratified.

C. Selection of Chairman of the Board

Chairman Hile moved for the adoption of an amendment to Article 3.6 of the Policy Manual regarding selection of Chairman of the Board (See Exhibit A). The motion was seconded by President Parsons. Hile stated that the purpose of the motion was to change the procedure whereby at the current meeting, January, 1991, all members desiring to run for Chairman of the Board would make their candidacy known in writing. Twenty-one days prior to the Spring Board meeting, a written ballot would be sent to each director, listing the candidates, so that ballots could be cast. In the event of a run-off, 12 days prior to the Spring Board, the Executive Director would send the run-off ballots back. In the event of a tie in the runoff, the Chairman of the Board would be entitled to vote at that time to break the tie only. More run-off elections may be conducted, depending on the wishes of the Board. Hile further stated that the change in procedure would ensure that each director had the opportunity to vote in such an important election. The motion passed unanimously.

(Upon written notification to Chairman Hile, Chairman-elect candidates for the 1991-92 year are: Tom Cunningham, Carl Roth, and Jerry Secrest.)

D. Appointments to ABA Nominations Committee

Chairman Hile announced his appointments to the Board's ABA Nominations Committee as follows:

William H. Ford - San Antonio
Harriett Miers - Dallas

Hon. Tom Ramey - Tyler
Blake Tartt - Houston

2. REPORT FROM TEXAS BAR FOUNDATION

Berry Crowley reported that among others, the Texas Bar Foundation had funded the following: (1) the Bar's supplement to the *Texas Monthly* magazine (\$88,000); (2) Texas Center for Professional Ethics in San Antonio (\$80,000); (3) proposal by Legal Representation of Those on Death Row to conduct a study of capital representation in Texas (\$20,000); (4) video by Austin Young Lawyers - "You and the Law" (\$15,000); (5) TYLA's "Voting Rights in the '90's" voting symposium (\$35,000); (6) UT Law Library to help start the Texas Legal Research Center for Child Abuse and Neglect (\$25,000); (7) Panhandle Regional Planning Commission for Senior Benefits Advisor Regional Initiative Grant Application to coordinate the legal needs of the elderly (\$25,000); and (8) Dallas Bar/Foundation's conference on Goals for Professionalism (\$12,000).

Crowley mentioned that an on-going discussion by the Trustees was whether the Bar Foundation should be pro-active and initiate its own projects, or reactive to the application of others.

Crowley expressed appreciation concerning Diana Corbin's assistance to the Foundation.

3. REPORT RE ABA COMMITTEE ON IMPAIRED ATTORNEYS

Mike Crowley introduced the resolution from the Board to the ABA recommending that the ABA House of Delegates adopt a report by the ABA Commission of Impaired Attorneys (See Exhibit B). Crowley mentioned that Texas was the model for the recommendations made by the Commission and that one of the recommendations made was for the continuance of a working relationship with the Bar, the staff and the grievance system within the state. **Upon motion by President-Elect Dunn and seconded by Martha Dickie, the motion to adopt the resolution passed unanimously.**

4. REPORT OF PRESIDENT

A. Ratification of Referendum 90

President Parsons moved for ratification of the results of Referendum 90 (tally of votes) - Proposition 1, approval of the new disciplinary rules, 33,613 total ballots passed, 27,312 for, 5,673 against; Proposition II, 33,613 total votes cast, 21,218 for, 11,938 against the dues increase. The motion, seconded by Dunn, passed (See Exhibit C).

B. Ratification of Appointments to Commission for Lawyer Discipline

President Parsons moved for ratification of his appointments to the Commission for Lawyer Discipline as follows:

<u>Member</u>	<u>Term</u>
Lonny D. Morrison, Chair	1/91 - 8/31/94
Sen. Kent Caperton, Vice Chair	1/91 - 8/31/94
William R. Edwards	1/91 - 8/31/93
Judge Ruby Sondock	1/91 - 8/31/93
Kenneth R. Oden	1/91 - 8/31/92
Ralph Rodriguez	1/91 - 8/31/92

It was noted for the record that the terms of office expire on August 31st of the respective years as opposed to January. Upon second by Jack Pasqual, the motion for appointment as well as for years of service passed.

C. Recognition of Service

President Parsons recognized Lonny Morrison and William Hilgers for their efforts in regard to the grievance procedures in their roles as chairs of their respective committees. A plaque with appropriate inscription was presented to each.

D. General Report

President Parsons stated that he and two other lawyers would journey to Russia February 23 - March 5 as part of the Soviet Exchange Program in conjunction with the annual convention. Parsons noted that the slogan of the 1991 convention, contributed by the Russians, would be "Rule of Law and Not of Man." The Soviet lawyers would journey to Texas two weeks prior to convention. Sponsorship for the Soviet lawyers' visit had been requested of some of the larger bars and the sections.

5. REPORT OF PRESIDENT ELECT

A. Appointment to Texas Bar Foundation

President Elect Dunn motioned for ratification of his appointment of Jack Pasqual, Mike Bradford, Jim Sales and Sarilee Ferguson to the Texas Bar Foundation for the term expiring 1994. The motion was seconded by Preston Dial and passed.

B. Organization of the Bar

President Elect Dunn motioned for ratification of the Organization of the Bar for the 1991-92 year after noting several changes:

- 1) Creation of Membership Involvement, a new committee which would have the charge of assessing the membership to determine how more members could become involved in the activities/process of the State Bar.
- 2) Changing Women in the Profession Committee from a special to a standing committee.
- 3) Creation of Spain-Mexico Exchange Committee as a special committee.
- 4) Addition of four items dealing with the rules governing the organization of the State Bar in regard to committees meetings (page 5 of the proposed Organization of the Bar). An additional fifth item (to be drafted later) would deal with frequency of reports to the Board and the Board advisor.
- 5) Changing of Section XIV, Public Statements, to reflect that the spokespersons for the State Bar of Texas are the President and the Executive Director.
- 6) Changing of Section VIII to reflect that members could serve on only two Bar committees.
- 7) Degenderization of the Organization of the Bar.

The Organization of the Bar for 1991-92 would become effective June 1, 1991, except for Section XIV, which would become effective immediately. Upon second by Eduardo Aguirre, the motion passed unanimously on a voice vote (See Exhibit D).

C. Calendar for 1991-92

Dunn motioned for ratification of the adoption of the proposed calendar of Executive Committee/Board meetings for the year 1991-92. The motion, seconded by Raymond Kerr, passed (See Exhibit E).

6. REPORT OF EXECUTIVE DIRECTOR

A. General Report

Executive Director Karen Johnson introduced KaLyn Laney as acting director of Government Relations and stated that the proposed draft of the State Bar Act had been completed.

Johnson also noted that the audit of the State Bar for the year ending May 31, 1990, had been distributed and that each member needed to read the report.

Projects highlighted by Johnson included:

- 1) Project Desert Lamp (coordinated by Julie Oliver and expected to be a model for the ABA);
- 2) TYLA's scholarships to minority law students; and
- 3) Lawyers Assistance programs.

B. Ratification of Executive Committee Actions

At the December 20, 1990, meeting:

- 1) **Transfer of Texas Law Center Funds to the General Fund (\$116,219.74) - motion made by Pasqual and seconded by Henrichson.**
- 2) **Transfer of 1990 Annual Meeting net to the General Fund (\$22,085.69) - motion made by Kerr and seconded by Lummus.**
- 3) **Transfer of Section Dues Interest Income to General Fund (approximately \$66,000) - motion made by Kerr and seconded by Jan Wilbur.**
- 4) **Expenditure for survey re taxes (\$9,475) - motion made by President Parsons and seconded by Watson.**

At the January 18, 1991, meeting - Capital Purchases:

- 1) **Purchase of exhibits store (\$4,037.92) - motion made by Howeth and seconded by Ferguson.**
- 2) **Purchase of drop safe (\$915) for PDP Department - motion made by Aguirre and seconded by MacIntyre.**
- 3) **Purchase of flat file (\$619.99) and the building of library tables (\$750) for Archives Department - motion made by Aguirre and seconded by Ferguson.**
- 4) **Purchase of five (5) CompuAd PCs for Computer Services Department (\$14,145) - motion made by Kerr and seconded by Wilbur. Johnson noted that services rendered to the Board of Legal Specialization at a cost of \$20,000 would be used to defray the expense of the computers.**

All motions were passed on a show of hands.

Johnson reported that a new staff committee had been formed - Internal Ethics - and would be chaired by Pat Nester. The committee would be charged with the development of a mission statement for the staff and to talk about other items such as moonlighting by the staff and whether or not that information needed to be made known to management in case of possible conflict of interest.

The public and member service audit report, conducted by Dr. Cynthia Spanhel, was also highlighted by Johnson. The audit would determine what the Bar's public and member services were - determine what was or was not being done for the public and the lawyers.

C. Personnel Matters

Johnson noted that Ginger Banks was acting Communications Director as a result of Larry Fitzgerald's resignation and that posting for a Public Information Director was in progress. Johnson noted that the position, though not new, would entail revamping of the duties as well as title.

Subject to confirmation by the Administrative Advisory Committee, Johnson stated that posting for the Liaison for Minority Affairs would occur in the near future and would require approval by the Board and the Court. The exact title of the position was not final and input from various entities was being solicited. **The motion was made by Wilbur and seconded by Aguirre, to approve the posting of the position of Minority Affairs (or similar title), subject to the approval of the Court, with a salary range of \$28,000 to \$40,000. The motion passed on a show of hands.**

D. Update for 1990-91 Budget

Johnson stated the total fund balance was \$6,726,063. A \$2.2 million intrusion into reserves was expected by the end of the fiscal year. Variances of over or under five percent were highlighted by Johnson. PDP was ahead of the previous year and was now ahead of budget. Johnson reported that interest income was behind and that mailing labels were ahead of budget. MCLE Department was well under budget (38 percent) and Johnson commended Mike de la Rosa for an outstanding effort in keeping expenses down. An anticipated additional \$200,000 would be paid out of the Client Security Fund prior to the end of the fiscal year due to the increase in applications for relief. Committees would have a budget overage because of increased membership, but (subject to approval) next year each committee would have a certain amount of monies to expend and would be expected to operate within those limits.

7. REPORT RE LEGISLATIVE BUDGET BOARD

Justice Jack Hightower stated that he was reporting to the Board as an individual and not as a representative of the Court. He reported on political potentialities, political actualities (realities), and political eventualities - where we are, where we would like to be, and where we would most likely end up. In August, 1990, the Judicial Committee on Court Funding established certain priorities: (1) full state funding for personnel and computer equipment for district courts, (2) full pay for retired judges when sitting on assignments, (3) additional staff and increased funding for personnel of appellate court as requested by Chief Justice of the Supreme Court and Presiding Judge of the Court of Criminal Appeals, and (4) minimum salary for statutory, county court judges of \$1,000 less than district judges.

Justice Hightower stated that the long-term goals should be full state funding of district courts, including provisions for court reporters and secretaries. Additional staff and funding for the Court of Appeals was also a priority.

8. NOMINATIONS AND ELECTIONS

Larry Langley introduced the nominees for President-Elect for the 1991-92 Bar year - Harriet Miers (Dallas) and William Wilde (Houston). **Upon motion made by Langley and seconded by Dunn, the nominees for President-Elect were accepted.**

President Parsons reviewed the expense involved in a presidential-elect campaign and stated that the next Bar budget would include provisions for absorbing the cost of such campaigns.

9. REPORT OF GENERAL COUNSEL

A. Grievance Matters

Steve Lee highlighted disciplinary actions taken - 42 private reprimands, 28 public reprimands, 62 suspensions, 16 disbarments, 12 resignations, 3 other dispositions (custodianship over practices).

B. NCNB Bank Account

Upon motion made by Dunn and seconded by MacIntyre, the request to change the San Antonio office bank account to NCNB was approved. Eduardo Aguirre abstained from the vote.

C. Amendment to ByLaws - School Law Section

Upon motion made by Dunn and seconded by Aguirre that the Board authorize the increase in dues of the School Law Section from \$5 to \$10, the motion passed.

10. REPORT OF ADMINISTRATIVE ADVISORY COMMITTEE

A. Employees Handbook

Jerry Secrest reported that the revision to the Employees Handbook was a major undertaking and final recommendation would not be ready for several months.

B. Proposed Staff Counsel

Secrest motioned, and it was seconded by Henrichson, for the creation of the position and hiring of a staff attorney who would work under the direct supervision of the Executive Director. Among other things, it would be the staff attorney's responsibility to interpreting laws, give legal opinion, research legal documents, review bills, maintain liaison with the General Counsel's office. Two years of corporate law experience was required, and salary range would be up to \$45,000, commensurate with experience. **The motion passed on a show of hands.**

C. Recommendations re Jack Reynolds

Secrest reported that Jack Reynolds had requested payments for more than 41 weeks of unused vacation in the amount of \$68,688.96, based on a claim of having taken only approximately 30 days vacation in 17 years of employment. Reynolds had been paid some \$15,000 due under provisions in the Employees Handbook. Secrest stated that according to Jack Lockridge, an employee has the option of exchanging sick leave for retirement funds, at which time the employer has to contribute or match that amount - which in Reynolds' case amounts to approximately \$4,000. The amount remaining on the Reynolds' matter is approximately \$53,000.

Secrest motioned on behalf of the committee that Reynolds' claim for an additional \$53,000 be denied. The motion was seconded by Aguirre and passed.

Chairman Hile recommended that further discussion of factual and litigation issues be postponed under the February 20, 1991, Board meeting at which time it would be posted in under Article 6252-17 in Executive Session as a personnel matter.

11. INSURANCE (AD HOC) COMMITTEE

Mike Joplin motioned, and it was seconded by Harold Metts, that the Board authorize the National Union Fire Insurance Company to provide D&O insurance for the Board (\$10 million coverage, \$50,000 deductible, claims made policy) at a cost of \$54,500 per year. Finance Director Fernandez stated that the premium would be amortized over the period of the policy and would have a budgetary impact of \$15,000 during the current fiscal year. The Executive Director stated that funds would be found in the current budget to pay for the policy. **The motion passed on a show of hands.**

12. REPORT OF WOMEN IN THE PROFESSION

Cindy Ohlenforst reported that the committee was studying the possibility of creating a Texas Women Lawyers Association, fashioned after the Texas Young Lawyers Association. Ohlenforst summarized five goals of the committee:

- a) Appointment of women on the committees of the Bar to reflect the number of women in the bar
- b) Target the placement of women on the Board to reflect the number of women in the bar (through the process of helping to elect 6 women to the Board, as opposed to appointing the women)
- c) Continue the work of the Women in the Profession Committee
- d) Involvement of the selection of people who will be appointed to minority positions on the Board
- e) Consideration of ethical behavior re gender discrimination

The Women in the Profession requested that the Board work with the committee in the achievement of the five goals.

13. RE ARCHIVES

Past President Bill Whitehurst introduced a resolution for the naming of the new archives facilities *The Governor Bill and Vara Daniel Center for Legal History* (See Exhibit F). **President Parsons motioned, and it was seconded by President Elect Dunn, for the adoption of the resolution. The motion passed.**

14. REPORT OF GENERAL COUNSEL ADVISORY COMMITTEE

Implementation of New Disciplinary Procedures

Tom Cunningham reported that two orders had been formulated (1) setting forth the adoption of the disciplinary rules in phases (See Exhibit G) and (2) promulgating the new dues increase effective June 1, 1991 (See Exhibit H).

Cunningham motioned and Aguirre seconded that the Board submit to the Supreme Court for its consideration the order of implementation of the new rules of disciplinary procedures. Chairman Hile recommended that Item 8 read "the commission shall, beginning with the 1992-93 Bar year, submit to the Board of Directors of the State Bar a proposed budget for review and adoption." Cunningham accepted such recommendation and further proposed that the motion read "provided, however, that the Commission (for

Lawyer Discipline) shall have input and shall work with the Board of Directors concerning the 1991 budget." The motion, with the proposed changes to Item 8, was then seconded and duly passed.

Cunningham then motioned that the State Bar of Texas submit to the Supreme Court of Texas the described petition for order for adjustment of membership fees on the accompanying order for promulgation by the Supreme Court. The motion, seconded by Henrichson, passed.

15. REPORT OF LEGISLATIVE POLICY COMMITTEE

A. Re Real Estate and Probate Section

Carl Roth reported that the Real Estate and Probate Section had requested that the Board withdraw the authorization previously granted at the September, 1990, Board meeting permitting section sponsorship of the codification of the guardianship code. **Upon motion made by Roth and seconded by MacIntyre, the motion for withdrawal was granted.**

B. Re Litigation Section

Roth reported that regarding the composition of the jury pool, the Litigation Section wanted to withdraw its request for permission to sponsor as a section, a separate or independent bill and to be permitted instead to take a legislative position in support of the bill introduced on behalf of the Judicial Section.

The motion by Roth was to take from the table the issue in accordance with the Keller proposal, re consideration for recommendation for inclusion and to let the Litigation Section take a position. The motion, seconded was by Wilbur, passed.

Roth then moved to withdraw the motion on the floor and substitute in its place, based on the recommendation of the Legislative Committee, that the Board of Directors approve the request of the Litigation Section to take legislative action in support of the Judicial Section's proposal to expand the jury service source list to include persons with drivers licenses.

Judge Evins had interjected that as chair of the Judicial Section, he was unaware that the section had endorsed such a bill as a priority and suggested the Board pass the motion subject to further investigation to ensure of the section's support of such bill. Dunn stated that he had heard some opposition to the bill. Hicks further stated that the issue had not been brought back up by the Litigation Section since the last discussion to table the issue.

The motion, seconded by Short, to allow the Litigation Section to take a position in favor of the proposed amendments to the jury pool, passed (See Exhibit I).

Chairman Hile requested that the Legislative Policy Committee, at the April Board meeting, submit a written report setting out any amendments or proposed modifications for Section 32 and addressing the question of once having taken a position on a particular act, absent some change or modification in the position by the particular section which seeks that particular proposal, that we have some finality to the opinion of this Board.

16. REPORT ON ANNUAL MEETING BUDGET

Raymond Kerr gave an overview of the 1991 Annual Meeting Budget and moved for adoption of the budget in the amount of \$663,800 (See Exhibit J). Kerr stated that the entertainment for the convention would be Linda Edders and that the main speaker would be one of the Soviet guests. The motion, seconded by Cunningham, passed.

17. REPORT OF TEXAS EQUAL ACCESS TO JUSTICE PROGRAM

Harold Kleinman gave an overview of the accomplishments of the Equal Access to Justice Program and indicated that the proposed amendments of the rules governing the operation of the program would be submitted to the Court substantially as submitted. No action was taken on the amendments.

Chairman Hile indicated that the item would be reposted for the February 20, 1991, Board meeting because of changes to the proposed amendments concerning procedures for accounting in light of the other entities and the adoption of the LBB proposals and other actions the Court has requested review of.

18. REPORT OF PROFESSIONALISM COMMITTEE

Jim Branton reported on behalf of the committee. The committee had reviewed the program implemented by Virginia wherein they required all law school graduates, within the first year after graduation, to complete a one and one-half day course on legal ethics/professionalism. Justice Cook had assured the committee that should a similar, well-conceived program be designed - and had the support of the Board - that Justice Cook would approach the Court for acceptance.

The committee had developed a six-hour program which would be conducted at each of the Texas law schools during the Spring semester or around graduation time. The committee recommended that professionalism should become a part of the MCLE program and that it should be phased in by the adoption of the program, to be completed within one year of graduation from law school, beginning with all graduates after June, 1991. The program would include the organization of the State Bar, the lawyers mandate which the Supreme Court adopted in November 1989, client relations, lawyers fees, and practical things which new lawyers need to know in order to stay out of trouble. Those graduates, this year, who want to take the course while in law school may do so voluntarily; however, it would be mandatory after graduation.

The motion, made by Preston Dial and seconded by Ewing Werlein, that the professionalism program be implemented, passed.

19. AVIATION LAW SECTION

The motion was made by Jordan and seconded by Larry Langley to ratify the actions of the Executive Committee at its January 18, 1991, meeting, to approve the creation of the Aviation Law Section. The motion passed (See Exhibit K).

20. GOVERNMENT LAWYERS SECTION

Marsha Floyd, First Assistant in the Harris County Attorney's office and board member of the Texas District and County Association, requested authorization for the creation of a government lawyers association. The section would include assistant district attorneys, assistant county attorneys, municipal county attorneys, U.S. attorneys, court personnel, members and lawyers employed to represent state and federal agencies, and all other lawyers employed by federal, state and local governments. Floyd reported that no other organization included the public service lawyers in Texas.

Upon motion made by Dunn and seconded by MacIntyre, the request for creation of the section passed with a few dissenting votes (See Exhibit L).

21. TEXLEX, INC.

Chairman Hile recessed the meeting of the State Bar of Texas and convened the annual meeting of TexLex, Inc.:

A. Annual Report

Patrick McGowan presented a brief background on TexLex and a written annual report (See Exhibit M). Currently, TexLex receives over \$600,000 from its subscribers, the bulk of which is paid to Mead Data in payment of computer usage. TexLex also receives income from the \$25 per month subscriber fee, which generates \$90,000 per year. Until December, 1990, a group discount received from Mead Data was rebated to the subscribers. The discount has been temporarily discontinued. McGowan stated that TexLex should generate a net of approximately \$70,000 per year.

Of the \$70,000, TexLex has a bad debt reserve mandated in the Mead Data contract of \$30,000, and according to the indemnity provisions of the contract, any debts past that point would be

absorbed by Mead Data. The contract stipulates a 90-day cut off period should a subscriber's account becomes past due.

McGowan stated that because the past administrator failed to cut off service to accounts 90 days past due, TexLex ended the year with \$55,000 worth of computer usage charges that were not reimbursed. The previous TexLex board instituted collection procedures and had collected \$15,000 of that amount. McGowan stated that approximately \$40,000 was expected to be uncollectible.

McGowan reported that the new TexLex board had refined credit procedures and any account 90 days past due would automatically result in computer usage being cut off.

McGowan stated that the TexLex program should be continued and that alternative programs were being investigated.

Upon motion made by Jim Coleman and seconded by Dunn, the annual report of the TexLex board was accepted.

B. Appointments to TexLex Board

President Parsons appointed the following as new board members of TexLex, Inc., to three-year terms, effective January 17, 1991:

Patrick F. McGowan, Chair - Dallas
Bruce A. Atkins - Houston
Thomas Esparza, Jr. - Austin
Robert D. Kimball - Amarillo
John Montgomery - Dallas
James W. Paulsen - Houston
Robert A. Sparks - Cleburne
H. Don Teague - Houston

Upon motion made by Jerry Secrest and seconded by Dunn, the new members to the TexLex board were confirmed.

The meeting of TexLex, Inc. was adjourned, at which time the State Bar Board meeting was reconvened.

22. AMENDMENT TO BYLAWS - ANTITRUST & TRADE
REGULATION SECTION

Preston Henrichson moved, and it was seconded by Preston Dial, that the Antitrust and Trade Regulation Section be allowed to change its name to Section of Antitrust and Business Litigation.

Jerry Secrest stated that the Business Law Section opposed the change and that negotiations for compromise had proven fruitless. **The motion passed (See Exhibit N).**

23. OPPORTUNITIES FOR MINORITIES IN THE PROFESSION COMMITTEE

Eduardo Rodriguez reiterated the ten recommendations made by the committee as presented in the written report (See Exhibit O). Rodriguez stated that the only action requested of the Board at the time was the approval of the committee's recommendation re appointment of minority members to the Board.

Rodriguez stated that as a goal, the SBOT make up of directors should reflect the ethnic and racial population of Texas, the general public, as represented in the census. (The issue of whether or not women should be included in that number had not been resolved.) **Rodriguez further stated that the Opportunities for Minorities in the Profession Committee, along with four (4) members of the Board, should be allowed to act as the nominating committee to the President who would then make recommendations for minority positions on the Board.** David Mendez, president of the Mexican American Bar Association, spoke in favor of the recommendations.

The motion that the minority members to the State Bar Board of Directors be appointed by the President of the State Bar from nominations made by a committee composed of the Opportunities for Minorities in the Profession Committee and four Board members appointed by the Board of Directors was made by Kirk Watson and seconded by Eduardo Aguirre. An amendment to the motion was made by Spencer Relyea that nine members of the Minority Committee, three members of the Women in the Profession Committee, and three members of the Board would submit two names to the President for selection of the minority members. Watson spoke in opposition to the amendment and stated that the Minorities in the Profession Commission's recommendation should stand. Shirley Erhlich, President-Elect of the Mexican American Bar, also spoke in favor of the original motion. **Colleen McHugh motioned to table the matter. Upon second by Henrichson, the motion to table (until the February 20, 1991, Board meeting) passed.**

Chairman Hile referred the matter to the Board's Minorities Representation committee and requested that the chair, Thelma Sanders Clardy, meet immediately with the representatives of the respective groups and report back to the Board at the February 20th meeting with written recommendation for enactment of the issue.

24. REPORT OF IMMEDIATE PAST PRESIDENT

Darrell Jordan reported that he had attended a meeting re the Bill of Rights Tour which was being sponsored by the Philip Morris Company in Dallas from March 2-5 and in Houston from March 8-12. Interested parties should contact Jordan for more information.

Jordan further reported that the committee re ABA Nominations had met, and recommendations for the slate of nominees to the ABA would be forthcoming at the April Board meeting. Persons interested in being nominated should submit an application, resume and two letters of recommendation to Jack Lockridge or Jordan. **Deadline for applications was March 1, 1991.**

(AN ASIDE: Concerning the results of Referendum 90 "shoeshine" wager made and won by the Dallas Board directors, a compromise was reached whereby Willis Gresham's shoes were shined by President Elect Dunn, Tom Cunningham held Dunn's coat and Darrell Jordan supervised. The event was videotaped and held in the lobby of the Marriott RiverCenter at the foot of the spiral staircase.

Jordan proposed another wager, Dallas versus Houston, regarding registration results at the Annual Meeting in Houston. Raymond Kerr accepted the challenge on behalf of Houston.)

25. REPORT OF IMMEDIATE PAST CHAIRMAN OF THE BOARD

Willis Gresham commend all for a successful Executive Committee/Supreme Court retreat and applauded Justice Gonzalez for his role in the event.

Gresham reintroduced the issue that lawyers were pricing themselves out of the market and that the price of legal representation needed to be addressed. He contended that the complexity of the rules was a major factor in the cost of representation.

26. REPORT OF TYLA PRESIDENT

Chairman Hile congratulated TYLA President Watson on Watson's being awarded the Keep Austin Beautiful Award.

Watson gave a brief report on several of the TYLA activities and reported that the **TYLA presidential appointment to the Commission on Lawyer Discipline was Jay B. Goss from Bryan, Texas.**

27. REPORT OF SUPREME COURT LIAISON

Justice Gonzalez reported that the Court was in the process of making appointments to the Commission on Lawyer Discipline and the Appellate Panel and the appointees should be announced the following week. Justice Gonzalez stated that the request for continuance of the President of the State Bar and the TYLA President had sparked a lot of debate and a decision

should also be forthcoming the following week. He reported that the Court appreciated the January retreat and encouraged further rapport in the future.

28. REPORT OF JUDICIAL SECTION LIAISON

Judge Joe Evins reported that he had met with all the entities that he represented and they had brought forth a legislative plan, of which five priorities were highlighted:

- a) The Retired Judges Bill
- b) County Court at Law Jurisdictional Bill
- c) District Court Funding Bill
- d) Appellate Judges Bill
- e) Judicial Salary Bill

Judge Evins stressed the fact that first priority should be state funding for judicial salaries, and that the Directors must concern themselves with making the salaries and benefits for the bench more attractive.

29. REPORT OF FEDERAL JUDICIAL LIAISON

Judge Barefoot Sanders expressed appreciation to the Board for its role towards increased funding for the judiciary, assistance in the Biden Civil Justice Reform Bill, and increased judgeships. He reported that the title of U.S. magistrates had been changed to magistrate judges.

Judge Sanders also reported that nationally, restrictions on oral, document and interrogatory discovery should be of interest to Texas attorneys.

30. GENERAL

Raymond Kerr moved that the Board authorize the drafting of a memorial resolution in honor of Larry Dowell, Chairman of the Houston Grievance Committee. Chairman Hile stated that such a resolution would be drafted.

THE MEETING WAS ADJOURNED at approximately 5:00 p.m.

EXHIBITS ATTACHED

- EXHIBIT A: Selection of Chairman of the Board
- EXHIBIT B: Resolution re Impaired Attorneys
- EXHIBIT C: Referendum 90 Results
- EXHIBIT D: Organization of the Bar for 1991-92
- EXHIBIT E: Preliminary Calendar of Executive Committee/Board Meetings 1991-92
- EXHIBIT F: Resolution to Name the New Archives Facility
- EXHIBIT G: Order for Implementation of the Texas Rules of Disciplinary Procedure
- EXHIBIT H: Petition for Order for Adjustment of Membership Fees
- EXHIBIT I: Legislative Committee Report
- EXHIBIT J: 1991 Annual Meeting Budget
- EXHIBIT K: Amendment to Bylaws of Aviation Law Section
- EXHIBIT L: Proposal to Create Government Lawyers Section
- EXHIBIT M: TexLex, Inc. Annual Report
- EXHIBIT N: Amendment to Bylaws of Antitrust & Trade Law Section
- EXHIBIT O: Recommendations of the Opportunities for Minority in the Profession

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