

THE STATE BAR OF TEXAS
AND THE TEXAS YOUNG LAWYERS ASSOCIATION

2003-2004
VOLUNTEER
AND
STAFF GUIDE



Guide

Terms expire 2004

Craig S. Adams
G. Timothy Hardin
Lisa H. Jamieson
Richard L. Spencer

Terms expire 2005

Harry W. Wolff
Rhonda S. Jolley
Rick Triplett
R. Eric Viehman

SCHOOL LAW

(www.schoollawsection.org)

Budget Code: 9370

Created 1970

Dues: \$25.00

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Lonnie Hollingsworth, Chair-Elect
Wayne Haglund, Vice Chair
Kevin Lungwitz, Secretary/Treasurer
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Michael J. Black, Board Advisor
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Terms expire 2007

Janna R. Melton
James Mincey
Molly Thornberry
David A. Weatherbie

WOMEN AND THE LAW

(www.txwomenlawsection.org)

Budget Code: 9394

Created 1980

Dues: \$20.00

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Teresa Oxford, Chair-Elect
D'Metria Benson, Vice Chair of Membership
Lisa Smith, Vice Chair of Newsletter
Mara Blatt, Secretary
Lisa Hernandez, Creasurer
Suzanne Duvall, Chronologist
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Jennifer G. Durbin, Alternate Board Advisor

Terms expire 2004

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Avo Stevens Butler
Sherry Wetsch

Terms expire 2005

Kathy Cannon
Charlotte Harper
Ronnie Harrison
Carolyn Moore
Carmen Samaniego

SEXUAL ORIENTATION & GENDER IDENTIFICATION ISSUES

(www.sogitx.org)

Budget Code: 9372

Created 1998

Dues: \$10.00

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Jerry Simoneaux, Vice Chair
Kent Rutter, Secretary
Lee P. Jeronimo, Treasurer
John A. Nechman, Immediate Past Chair
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Melinda C. McMichael, M.D., Alternate Board Advisor

Terms expire 2004

Roger Scott Donley
Stephanie Katriana

Terms expire 2005

Gonzalez
Bill Goodman
Steven Kirkland

TAXATION

(www.texastaxsection.org)

Budget Code: 9375

Created 1943

Dues: \$25.00

Jasper G. "Jack" Taylor III, Chair
R. David Wheat, Chair-Elect
William P. Bowers, Secretary
Gene Wolf, Treasurer
Robert V. Gibson, Immediate Past Chair
Glenn A. Perry, Board Advisor
Michael A. Elliott, Alternate Board Advisor

Terms expire 2004

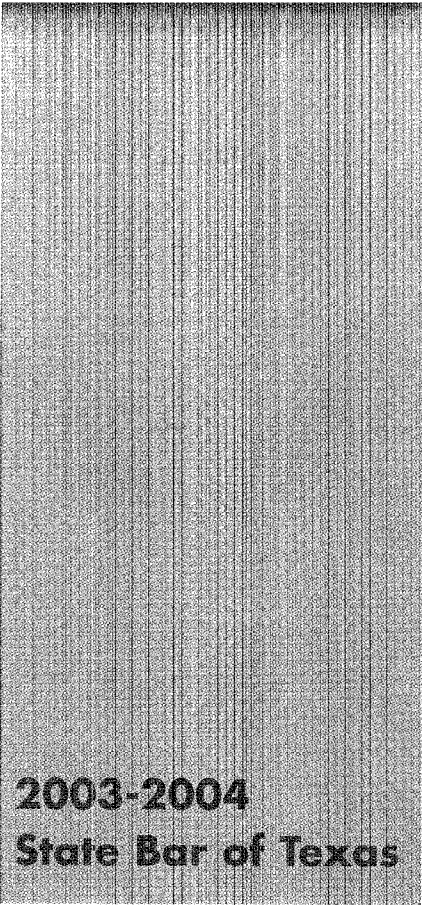
Steven D. Moore
Jeffrey E. Sher
Kevin J. Thomason

Terms expire 2006

E. Rhett Buck
Daniel J. Micciche
Josh O. Ungerman

Terms expire 2005

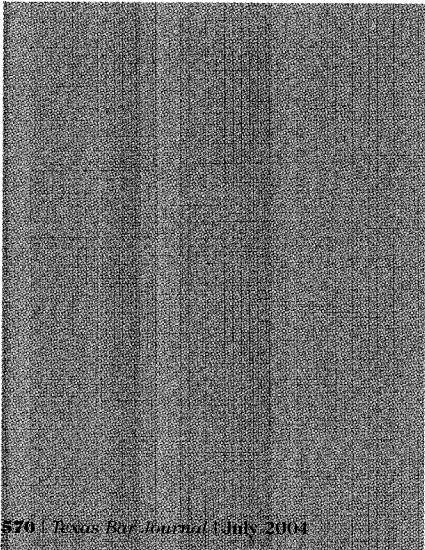
Tyree Collier
Allen B. Craig
Larry Jones



**2003-2004
State Bar of Texas**

Administrative and Public Law • African American Lawyers
• Alternative Dispute Resolution • American Indian Law •
Animal Law • Antitrust and Business Litigation • Appel-
late • Asian Pacific Interest • Aviation Law • Bankruptcy
Law • Business Law • Computer & Technology • Construc-
tion Law • Consumer Law • Corporate Counsel • Criminal
Justice • Entertainment & Sports Law • Environmental and
Natural Resources • Family Law • General Practice, Solo
and Small Firm • Government Lawyers • Health Law • His-
panic Issues • Individual Rights and Responsibilities •
Insurance Law • Intellectual Property Law • International
Law • Judicial • Juvenile Law • Labor and Employment Law
• Law Student Division • Legal Assistants Division • Litiga-
tion • Military Law • Oil, Gas and Energy Resources Law
• Public Utility Law • Real Estate, Probate, and Trust Law •
School Law • Sexual Orientation & Gender Issues • Tax-
ation • Women and the Law

SECTION REPORTS



Section reports are included in the July issue of the *Texas Bar Journal* to keep Texas lawyers updated on State Bar section 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 about sections or about joining a section, visit www.texasbar.com or call (800)204-2222 or (512)463-1463, Ext. 1420.

deregulatory efforts create an ever-shifting landscape of law and rules that must be applied in public utility law practice before agencies and the courts. The constant change also presents regular challenges to practitioners attempting to advise clients about the regulatory and financial landscape.

The section focuses its educational efforts primarily on its annual seminar, which was held in Austin on Aug. 22, 2003. The seminar's featured speakers included Federal Energy Regulatory Commission Chair Pat Wood III and Texas Public Utility Commissioners Julie Parsley and Brett Perlman. The section council worked to assist members in receiving relevant continuing legal education at events hosted by utility-related industry and trade organizations. The section's website, www.txutilitylawsection.org, provides information to its members on issues of common interest.

The 2004 annual seminar is scheduled for Aug. 20 in Austin, and the section welcomes attendance by attorneys who are or may be interested in public utility law practice.

Real Estate, Probate, and Trust Law

Barbara McComas Anderson CHAIR

The section is the second largest State Bar section.

The *Reporter* is published quarterly and is delivered electronically to all section members with registered email addresses. (Members are encouraged to opt for electronic delivery.)

The section's CLE library on its website, www.reptl.org, has added a significant number of outlines from courses throughout the state. The CLE library is available without cost to members. The outlines and *Reporter* issues are searchable and downloadable.

On the real estate side, the Property Owners Association Committee sponsored a forum to explore adopting the Uniform Property Association Act. The Title Insurance Committee acted as an information source about proposed new

RESPA rules submitted by HUD to Congress. The Real Estate Forms Committee and the Title Examination Standards Committees continue their yeoman-like efforts in updating and refining their fine products.

On the probate side, the Probate and Trust Code committees are drafting legislative proposals concerning probate, guardianship, and trust law issues for the 2005 legislative session, including the incorporation of select provisions of the Uniform Trust Act. Members of the council involved in the drafting of the Prudent Investor Act and Principal and Income Act adopted during the 2003 session are educating lawyers about those at seminars throughout the state.

The section continues to support Texas C-BAR (Community Building with Attorney Resources), which provides pro bono legal services to nonprofit, community-based organizations developing affordable housing and other community infrastructure for low-income communities. The section has provided financial support and has a seat on the C-BAR Board of Directors through 2005.

School Law

Lynn Rossi Scott CHAIR

Newsletter — Co-editors Jon McCormick and Michael Shirk have done a great job ensuring that the *School Law Section Report* is published three times a year. Articles address a wide range of education law issues, including legislation, employment law, student rights, open government, school funding and foundations, sovereign immunity, and the 50th anniversary of the Supreme Court school desegregation case, *Brown v. Board of Education*.

Website (www.schoolawsection.org) — Webmaster Lonnie Hollingsworth keeps the site updated, and ensures that it includes a list of members, a calendar of upcoming events, a brief history of the section, copies of past newsletters, and links to various education law research sites.

Member Services — This year, the section focused on two important events — the State Bar Annual Meeting and the annual summer retreat. First, at the State Bar Annual Meeting, with the assistance of Ann Manning and Elneita Hutchins-Taylor, the section commemorated the 50th anniversary of the Supreme Court's decision in *Brown v. Board of Education* and celebrated the swearing-in of Kelly Frels, the first school lawyer to become State Bar president. Second, the section's important and very popular event is its annual two-day summer retreat, CLE seminar, and golf tournament, which will be held on July 16-17 at the San Luis Resort on Galveston Island. Program chairs Joy Baskin and Miles Bradshaw have planned excellent CLE, including Fair Labor Standards Act, the Pledge of Allegiance, First Amendment issues, construction, special education, and the latest developments in school law.

Sexual Orientation & Gender Issues

Rich Thompson CHAIR

Newsletter — *SOGII Issues*, published three times a year, contains updates on gay, lesbian, bisexual, transgendered, and HIV law; member news; and upcoming, section-related events.

Website (www.sogiitx.com) — The section developed and launched its new website this year. The site includes the purpose of the section, its bylaws, upcoming events, and section newsletters. The site has a related links page and a page inviting interested persons to join the section.

Member Services — In September, the section co-hosted its first telephone CLE event with the State Bar, "In the Wake of *Lawrence*: Understanding the Momentous Decision and the Legal Challenges Ahead." In December, it presented a domestic partnership insurance resolution to the members of the State Bar of Texas Insurance Trust. The section also reintroduced a formal resolution that would expand the class of eligible insureds for health insurance

through the State Bar of Texas Insurance Trust. It presented an excellent CLE program at its annual meeting in June. This year's featured keynote speaker was Yale Law Professor William N. Eskridge, Jr., who spoke regarding "Lawrence and the Jurisprudence of Tolerance." There also was a lively and informative panel discussion on the issue of gay marriage and the federal marriage amendment. The annual Judge Norman W. Black Award was presented to Justice John Sharp Anderson and Justice Paul C. Murphy for the courageous opinions (original and dissenting) in the *Lawrence & Garner v. Texas* case. As a result of these member services and the new website, the section's membership has grown significantly during the year.

Taxation

Jasper G. Taylor III CHAIR

Newsletter — The *Texas Tax Lawyer*, published three times a year, includes articles on federal, state, and local taxation; current development columns authored by the section's committees; IRS Council minutes; and other items of interest.

Website (www.texaslawsection.org) — The website contains the mission statement, committee descriptions, and activity dates; online resources including related links; and a members-only area, which provides archived *Texas Tax Lawyer* publications, CLE materials, and IRS Council minutes.

Public Service — The section established a working relationship with Texas C-BAR and provided financial and work support for the Justice for All Calendar.

Member Services — The section appointed delegates to IRS councils, and established procedures for the posting of the councils' minutes on the section website and publication in *Texas Tax Lawyer*. It prepared and distributed an outline designed to help committee chairs provide enhanced benefits for membership to encourage member involvement. Section mem-

bers drafted and implemented a plan to enhance participation between the section and tax programs at Texas law schools, contacting law school faculty to encourage articles, and placing them on *Texas Tax Lawyer* subscription list on a complementary basis. The section developed a plan to ensure that small firms of practitioners are incorporated in section management and activities, including amending bylaws to add a new committee devoted to that ideal. The section drafted and approved, for section annual meeting vote, amendments to bylaws to streamline various procedures and take into account changes in technology and State Bar procedures.

Women and the Law

Judy L. Ney CHAIR

Newsletter — The *Women's Advocate* is published three times yearly and mailed to the section's members. Included is the popular "Around the State" section that highlights achievements and events that address women and their legal issues. Soon the newsletter will be online.

Website (www.txwomenlawsection.org) — The site includes the section's information and links to websites of interest to members.

Public Service — The section continues its support of the Women's Advocacy Project, which operates a family violence hotline and provides other services for victims of family violence throughout the state. Books were sold at the State Bar Annual Meeting to support this worthy cause.

Member Services — The section's annual meeting ended the year's activities with a CLE program, "Women and the Law: Today's Issues, Today's Struggles," presented by Charlye Farris and Judge Pamela Mathey. The annual Sarah T. Hughes Award, honoring a woman attorney who has achieved excellence in her field, was presented to Charlye Farris. Beverly Tarpley of Abilene received the Ma'at Justice Award, which honors an individual who is actively addressing the needs and issues affecting women both in the legal profession and in the community.

The section's own Louise Raggio was one of the first recipients of the Sandra Day O'Connor Award presented to women of excellence by the Texas Center for Legal Ethics and Professionalism.

Judy Ney was elected as a section representative to the State Bar Board of Directors.

The section continues to add to its collection of oral histories from Texas women of legal excellence housed at the University of Texas-San Antonio.



Proposed Annual Meeting Resolutions

The resolutions presented here will be considered for adoption by the State Bar Resolutions Committee at the annual meeting in San Antonio. Resolutions adopted by the committee will be considered by those attending the general session. If adopted by that body, the resolution expresses only the majority opinion of those attending the general session, not the State Bar membership.

At the time the *Bar Journal* went to press, the resolutions printed here were still undergoing the review process.

Proposed Resolution of the Sexual Orientation and Gender Identification Issues Section

WHEREAS, the current health insurance plans offered by the State Bar of Texas Insurance Trust do not allow (1) a member of the State Bar of Texas to purchase health insurance for an adult, other than a spouse or child, who resides in the same household as a member of the Bar or (2) an eligible law firm to purchase health insurance for its employees that allows a firm employee to obtain health insurance for an adult, other than a spouse or child, who resides in the same household as the employee; and

WHEREAS, many members of the Bar and employees of eligible law firms have domestic partners or take care of elderly parents, grandparents, or other relatives who need health insurance; and

WHEREAS, group health insurance plans exist that allow a plan participant to cover as dependants adults who reside in the same household with the plan participant; and

WHEREAS, access to affordable health insurance is of the utmost important to members of the State Bar of Texas; now, therefore, be it

RESOLVED, by the membership of the Sexual Orientation and Gender Identification Issues Section of the State Bar of Texas (1) that the Board of Trustees of the State Bar of

Texas Insurance Trust is strongly urged to expand the class of eligible dependents for health insurance to include any adult who resides in the same household with a member of the State Bar of Texas or an employee of an eligible law firm and (2) that copies of this resolution be delivered to the members of the Supreme Court of Texas, the officers and directors of the State Bar of Texas, and the section chairs of the State Bar of Texas. In making this resolution, the section takes no position on whether the State Bar of Texas Insurance Trust should require proof of insurability for the expanded class of eligible insureds.

Rick Thompson, Chair



Proposed Resolution of the International Law Section

WHEREAS, in August 2002, the House of Delegates of the American Bar Association (ABA) adopted the Report of the Commission on Multi-Jurisdictional Practice (MJP Report) which included proposed amendments to the ABA's Model Rules of Professional Conduct (the Model Rules);

WHEREAS, the aim of the MJP Report was to modernize state regulation of international cross-border legal services and provide coherent guidelines for the states to align their existing rules with the General Agreement on Trade in Services (GATS);

WHEREAS, with respect to international practice, the MJP Report urges states to adopt two international rules pertaining to (a) the ability of foreign lawyers to serve as foreign legal consultants in the United States and (b) the status of foreign lawyers who advise clients on non-US law matters