

DRAFT

**STATE BAR OF TEXAS
BOARD OF DIRECTORS**

Friday, April 16, 2021 – 9:00am

*Via Telephonic Open Meeting Pursuant to Governor’s March 16, 2020,
Temporary Suspension of Certain Open Meetings Provisions**

The Board of Directors of the State Bar of Texas met on April 16, 2021, via Zoom. Chair Charlie Ginn called the meeting to order at 9:00 am, and Executive Director Trey Apffel called the roll. A quorum of voting Board members was present. Director Kate Bihm delivered the invocation, and Director Luis Cardenas led the pledges to the United States and Texas flags.

Present:

Board Members: Benny Agosto, Immediate Past Chair Jerry Alexander*, Jeff Allison, Andy Almanzán, Chad Baruch, Kate Bihm, Rebekah Brooker, David Calvillo, Luis Cardenas, Derek Cook, Deborah Cordova, Rob Crain, Christina Davis, Alistair Dawson, Michael Dokupil, Dr. Maria Hernandez Ferrier, President-elect Sylvia Borunda Firth, Steve Fischer, TYLA Immediate Past President Victor Flores, Lucy Forbes, Chair Charlie Ginn, Marc Gravely, August Harris, TYLA President Britney Harrison, Wendy-Adele Humphrey, Michael Hurst, Yolanda Cortés Mares, President Larry McDougal, Carra Miller, Lydia Mount, Steve Naylor, TYLA President-elect Jeanine Rispoli, Carmen Roe, Adam Schramek, Mary Scott, David Sergi, Alan Sims, Jason Smith, Todd Smith, Immediate Past President Randy Sorrels, Diane St. Yves, Andrew Tolchin, Santos Vargas, Amy Welborn, James Wester, and Kim Pack Wilson.

Liaisons*: Judge Les Hatch, Denise Hoggard, and Judge Kevin Patrick Yeary

Section Representatives*: Carlos Cárdenas, Matthew Kolodoski, Emily Miller, and Kathryn Murphy

Excused Absences: Shari Goldsberry, Justice Debra Lehrmann*, Judge David Morales, Michael Smith* and Michael Vasquez
(* denotes nonvoting)

CONSENT AGENDA ITEMS {Exhibit A}¹:

C1. APPROVAL OF MINUTES:

Approval of minutes of Board meeting conducted on January 22, 2021

C2. ITEMS FROM THE PRESIDENT:

Approval of appointments to the following:

a. 2021-2022 Special Committee to Nominate ABA Delegates:

Randall O. Sorrels, *Chair* (Houston)
Kim Askew (Dallas)
Kelly-Ann Clarke (Dallas)
Victor A. Flores (McAllen)
Hon. Lora Livingston (Austin)

b. Commission for Lawyer Discipline:

1) for one-year terms effective September 1, 2021, through August 31, 2022:

Roberto Ramirez (Chair-McAllen)
Magali Suarez Candler (Vice Chair-Houston)

¹ Exhibits are available at www.texasbar.com/board

2) for a three-year term effective September 1, 2021, through August 31, 2024:

Lee D. Cox (Richmond)

c. **Law Focused Education, Inc** for two-year terms effective June 1, 2021, through May 31, 2023:

Hector Beltran (El Paso)
Sarah Cook (Rockwall)
Beverly Nolan (Houston)
Kathy Uhlich (Lewisville)

d. **Texas Center for Legal Ethics**, for three-year terms effective June 1, 2021, through May 31, 2024:

Stephanie Michelle Alvarado (Richardson)
Ira Z. Miller (Corpus Christi)

e. **Texas Rio Grande Legal Aid**, for a two-year term effective January 1, 2021, through December 31, 2022:

W. Lee Keeling (Victoria)

C3. ITEMS FROM THE PRESIDENT-ELECT:

a. **Approval of appointments:** State Bar committees, chairs, co-chairs, vice chairs, co-vice chairs, and members to serve during the year 2021-22 bar year per State Bar Rules, Art. VIII, Section 1B

b. **Texas Bar Foundation Board of Trustees**

1) for a three-year term, effective June 1, 2021, through May 31, 2024:

Christy Amuny (Beaumont)

C4. ITEMS FROM COMMITTEES AND SECTIONS/DIVISIONS:

Litigation Section Updated Bylaws

C5. OTHER ITEMS

a. **Approval of recipients for the pro bono and indigent defense awards to be presented at the Annual Meeting:**

1) **Pro Bono Award:**

Lone Star Legal Aid (Houston)

2) **Frank J. Scurlock Award:**

Lynn Rodriguez (Fort Worth)

3) **The J. Chrys Dougherty Legal Services Award:**

Dana Karni (Houston)

4) **W. Frank Newton Award:**

SMU Dedman School of Law
COVID-19 Legal Helpline (Dallas)

5) **Pro Bono Coordinator Award:**

Lena Engelage (Conroe)

6) **Pro Bono Support Staff Award:**

Shana Mello (Weatherford)

¹ Exhibits are available at www.texasbar.com/board

- 7) **Judge Merrill Hartman Pro Bono Judge Award:**
Justice Gina Benavides (Corpus Christi)
- 8) **Warren Burnett Award:**
Mark Stevens (San Antonio)
- 9) **Michael K. Moore Award for Excellence in Research or Writing in the Area of Indigent Criminal Defense:**
Claire Buetow (Austin)

- b. **Approval of recipient of the Nancy Garms Award:**
Sharon Thorne Green (Richmond)

- c. **Approval of recipient of the Hon. Leon Jaworski Award for Teaching Excellence:**
Dr. James Calvi (Amarillo)

- d. **Approval of Resolution honoring:**
Vic Feazell (Waco)

- e. **Approval of 2021 Annual Meeting Resolutions Committee:**
 - Officers:**
 - Chair:** *SBOT Immediate Past Chair of the Board*
Jerry Alexander (Dallas)
 - Vice-Chair:** *TYLA Chair*
Tim Williams (Amarillo)
 - Secretary:** *Local Bar Leaders Committee Chair*
Hon. Mike Davis (Palestine)
 - Parliamentarian:**
Charlie Ginn (McKinney)

 - Alternates:**
David Rogers (Austin)
Jerri Lynn Ward (Austin)

 - 2021 Review Committee:**
Jerry C. Alexander (Dallas)
Robert D. Crain (Dallas)
Lucy Forbes (Houston)
Yolanda Cortés Mares (Temple)
James Wester (Amarillo)

I. REPORTS:

A. Remarks from the General Public:

The Board heard oral comments from Texas attorney Bob Bennet (Houston) concerning the legislative hearings on House Bill 2393 and Senate Bill 891 regarding changes to the signature requirement for the SBOT presidential election.

B. Report from the Chair of the Board:

Chair Ginn asked the Board to complete their Board Committee, Section, and Standing Committee preferences survey and provided a brief update on the district director newsletters. Chair Ginn acknowledged the passing of attorney Clyde Siebman from Sherman. Chair Ginn also thanked staff member Chielsey Barber for her work at SBOT and wished her luck in her new position.

Director Andrew Tolchin made a motion to approve the minutes of the January 22, 2021, Board meeting and the consent agenda items. Director Diane St. Yves seconded. No discussion; motion carried.

¹ Exhibits are available at www.texasbar.com/board

President Larry McDougal presented a resolution to attorney Vic Feazell (Waco), and Mr. Feazell made remarks.

Director Steve Fischer raised a point of order to make comments pertaining to Zoom, proposing changes to the SBOT mission statement to include minorities and LGBT persons, and legislation (HB 2393 and SB 891). Chair Ginn referenced Section 1.12.04 of the Policy Manual as the proper procedure to add items to the Board meeting agenda and did not entertain further discussion on the point of order.

Chair Ginn conducted the election of the 2021-22 Chair of the Board. By electronic vote, Director Santos Vargas (San Antonio) was elected 2021-22 Chair of the Board. Mr. Vargas made remarks. {Exhibit B}

C. Report from the Executive Director:

Executive Director Apffel gave a general report on various items including proposed amendments to the disciplinary and procedural rules, TexasBarCLE free online courses, the virtual Annual Meeting in June, and the rescheduling of the July Bar Leaders Conference to January 2022. Executive Director Apffel provided an update on HB 2393, which he explained would change the following: 1) the number of petition signatures required to run for SBOT President-elect from 5% of the lawyer membership to a fixed number, that number being 500 signatures; 2) require the SBOT to accept electronic signatures on petitions; and 3) prohibit discrimination in SBOT elections. Executive Director Apffel also provided an update on the State Bar building and return to office planning, and the extended deadline to June 30 for the filing of Personal Financial Statements to the Ethics Commission. He recognized staff members Ellen Pitluk, Rita Alister, Chielsey Barber, Don Jones, and Brad Johnson, as well as the passing of past SBOT president Lloyd Lochridge of Austin. {Exhibit C}

D. Report from the President:

President McDougal made remarks on items including HB 2393, Lloyd Lochridge, “Together We Dine” events, TLAP, and contributions to the Sheeran Crowley Trust. Hon. Alfonso Charles provided an update on the work of the Presidential Task force on Criminal Court Proceedings. Judge Michael Fields provided an update on the work of the Task Force on Public Protection, Grievance Review, and the Client Security Fund.

President McDougal made a motion to approve the appointment of Kelly-Ann Clarke (Dallas) for at-large director to the Board of Directors, for a three-year term effective Annual Meeting 2021 and expiring at Annual Meeting 2024. Director Rob Crain seconded. No discussion; motion carried.

President McDougal made a motion to approve the creation of a Workgroup on Texas Lawyer Needs Arising From the 2020 Pandemic and 2021 Winter Storm. Michael Hurst seconded. No discussion; motion carried.

President McDougal made a motion to approve a resolution in support of the Texas Day of Civility in the Law on September 17, 2021. Lucy Forbes seconded. No discussion; motion carried. {Exhibit D}

The board recessed at 10:37 am and returned to business at 10:47 am.

E. Report from the President-elect:

President-elect Sylvia Borunda Firth thanked the Committees department staff members for their work and provided an update on the Diversity, Equity, and Inclusion Task Force, which has met five times since November.

On behalf of the Budget Committee, President-elect Firth made a motion to approve the SBOT 2021-22 proposed budget for presentation to the Supreme Court of Texas. Coming from a committee, no second was needed. No discussion; motion carried.

On behalf of the Committee Review Task Force, President-elect Firth made a motion to accept the Committee Review Task Force report. Coming from a committee, no second was needed. No discussion; motion carried. {Exhibit E}

F. Report from the Immediate Past President:

¹ Exhibits are available at www.texasbar.com/board

Immediate Past President Randy Sorrels gave brief congratulations to Mr. Vargas and President-elect Firth and made remarks on director outreach and the establishment of his new law firm.

G. Nominations & Elections Subcommittee:

Immediate Past Chair Jerry Alexander reported on the campaign activities of the two candidates for president-elect, Sara Dysart (San Antonio) and Laura Gibson (Houston). He noted that there are 10 district director positions that are open this year, three of which are in contested races, and the deadline to vote in the election is April 30. {Exhibit F}

H. Policy Manual Subcommittee:

Director Adam Schramek provided an update on the subcommittee's work on a Code of Conduct for officers and directors, as well as the additional vetting and selection of candidates for president-elect. Discussion ensued. {Exhibit G}

I. DCAAP Subcommittee: No report.

J. Client Security Fund Subcommittee:

Director Crain reported that the subcommittee met on April 13 and reviewed 17 cases, of which the subcommittee accepted eight claims for a total of \$37,006.01. He also reported that, to date, the Client Security Fund disbursements have totaled \$496,580.02 for the Bar year.

K. Audit & Finance Committee:

Director Alistair Dawson presented the State Bar financial reports and provided a general review of the financial statements.

On behalf of the Audit & Finance Committee, Director Dawson made a motion to accept the Quarterly Investment Report for the period ending February 28, 2021. Coming from a committee, no second was needed. No discussion; motion carried. {Exhibit H}

Director Dawson noted that audit representative Ms. Darlene Brown was unable to attend the Board meeting and give a report on the results of the audit. Therefore that action item will be taken up at the June Board meeting.

L. MCLE Committee:

MCLE Committee Chair John Boyce gave an update on the committee's task to study whether to make implicit bias training an MCLE requirement for Texas attorneys, as well as the possibility of categorizing mental health and substance abuse MCLE courses as eligible for legal ethics/professional responsibility credit. He noted that, after research and discussion by the committee, the committee unanimously agreed that the best option would be to offer Texas attorneys the opportunity to receive ethics credit for implicit and explicit bias and attorney wellness courses, that would fulfill the ethics course accreditation requirement. Discussion ensued from multiple directors on whether bias training should be mandatory, whether or not to accept the report as is, or to refer it to a committee for further discussion and/or amendment on the mandatory issue, or table it until the June Board meeting.

President-elect Firth made a motion to approve the proposed amendments to MCLE Accreditation Standards. Director Crain seconded. Director Jason Smith moved for approval of an amendment to the motion, which was to refer to the Administration Committee the issue of whether implicit bias training should be mandatory, and for consideration of potential action on that particular issue at the June Board meeting. Director Crain maintained his second of the motion with the inclusion of the amendment. No further discussion; motion carried. {Exhibit J}

M. Commission for Lawyer Discipline, Chief Disciplinary Counsel Update:

¹ Exhibits are available at www.texasbar.com/board

Commission Chair Gena Bunn reported on the work of the Commission and various statistics, noting that \$228,429 attorneys' fees revenue has been collected from the time period from June 1, 2020, to February 28, 2021. Ms. Gunn also reported on the grievance committee appointment process. {Exhibit K}

The board recessed for lunch at 12:30 pm and returned to business at 12:50 pm.

- N. Administration Committee: No report.
- O. Performance Measures & Strategic Planning Subcommittee:
Director James Wester reported that the subcommittee plans to have updated performance measures to submit to the Board at the June meeting.
- P. Appeals-Grant Review Subcommittee:
Director Andy Almanzán reported that the subcommittee has an upcoming appeal it will be considering on a TBLS matter, and will report on that at the June Board meeting.
- Q. New Directors Orientation Subcommittee:
Director Deborah Cordova reported that the subcommittee held a Zoom meeting on April 13, where directors discussed the plan for the in-person orientation scheduled for June 16. She noted that there will be a total of 23 new directors, including section representatives and liaisons.
- R. Insurance/Member Benefits Subcommittee:
Director Carmen Roe gave an update on the Texas Bar Private Insurance Exchange, noting that a customer satisfaction survey is currently in process, and that a special enrollment period for health insurance began on February 15 and has been extended until August 15. The subcommittee is also working on benefit program marketing and enhancing awareness.
- S. Professional Development Subcommittee:
Director Steve Naylor reported that the subcommittee will meet jointly with the CLE Committee on May 7 via Zoom to discuss topics for CLE and publications and to hear staff reports. He also reported on the steps being taken to resume in-person CLE events, Texas Minority Counsel program planning, and TexasBarBooks meetings.
- T. Section Representatives to the Board Committee:
Section Representative Emily Miller reported on CLE programming for Sections and the safe path back to live meetings and programming, and thanked the Sections department staff members for their help on this.
- U. Legislative Policy Subcommittee:
Ms. Miller reported that there are six SBOT Sections – Business Law, Entertainment and Sports Law, Family Law, Juvenile Law, LGBT Law, and Real Estate Probate and Trust Law – that have legislation included in the SBOT 2021 legislative package, and that the Juvenile Law Section decided not to file its bill. There are approximately 45 days remaining in the current legislative session and more than 7,000 total bills were filed. Ms. Miller reminded the Board to subscribe to the weekly legislative update e-newsletter, the Friday Update, and thanked the Governmental Relations department staff members for their continued service. There was no action taken on this item.
- V. Justice in Leadership Workgroup:
Director Carmen Roe reported that the Workgroup has met several times since its creation and has split into two subcommittees to focus on four goals to affect change in the Board and SBOT. Those four goals are as follows: 1) setting standards for directors and officers pertaining to race, bias, racism and diversity; 2) setting standards for directors regarding the way they conduct themselves in public forums; 3) soliciting comments from the Nominations & Elections Subcommittee regarding presidential candidates; and 4) reviewing the SBOT Office of Minority Affairs' office programs and goals.
- W. Texas Young Lawyers Association:

¹ Exhibits are available at www.texasbar.com/board

TYLA President Britney Harrison provided an update on the following TYLA projects: 1) 46th Annual National Trial Competition which was held virtually; 2) conducting a statewide week of pro bono service by answering questions on the Texas Legal Answers website; 3) Women in Legal History project; 4) Racial Justice Hub project resources; and 5) Leadership Tool Kits. {**Exhibit L**}

X. Texas Bar Foundation:

Shannon Dacus gave background on the Texas Bar Foundation and noted that, despite the pandemic and thanks to the nominating chairs across the state, the Bar Foundation has invited and welcomed 410 new members this year. The Bar Foundation will be hosting its 2021 annual dinner in person on June 18 in Fort Worth, and she announced the 2021 Bar Foundation winners. Ms. Dacus reported on the following grants the Bar Foundation has given this year: 1) TYLA's Women in Legal History project; 2) Lone Star Alliance Survivors project; 3) Greater Waco Legal Services School Legal Partnership; and 4) Lone Star Legal Aid's Eviction Right to Counsel.

Y. Liaison Reports:

Supreme Court Liaison Justice Debra Lehrmann was not present and thus had no report. Court of Criminal Appeals Liaison Judge Kevin Yeary reported that the Court met for conferences in person on March 1, 8 and 15 and then returned to remote conferencing and arguments for now. Judge Yeary also made remarks on the passing of Judge Cathy Cochran. Federal Judicial Liaison Judge David Morales was not present and thus had no report. Judicial Section Liaison Judge Les Hatch reported that the primary focus of the Judicial Section has been the legislative session and bills that affect the judiciary in some manner. Judge Hatch noted that jury trials are returning in Lubbock while employing best practices for social distancing and mask wearing. Out-of-State Lawyer Liaison Denise Reid Hoggard reported on inclusivity and the importance of the appointment of liaisons to the Board, and thanked the Board for making her feel welcome during her time on the Board.

Z. Report from General Counsel: No report

AA. Report from Legal Counsel:

- 1) Closed Session: At 1:25 pm, the State Bar Board of Directors recessed the open meeting and reconvened in closed session pursuant to Texas Government Code Section 551.071 for the purpose of consulting with legal counsel, to include discussion regarding all pending or any contemplated litigation (including regarding *McDonald et al. v. Sorrels et al* (No. 20-50448 in the Fifth Circuit Court of Appeals) and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas); and Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin. With the exception of Board liaisons and section representatives, all other individuals including non-essential staff and other guests excused themselves from the closed session.
- 2) Open Session: At 2:45 pm, the open session of the State Bar Board of Directors meeting reconvened. During the closed session, only matters relating to seeking advice of board counsel all pending or any contemplated litigation (including regarding *McDonald et al. v. Sorrels et al* (No. 20-50448 in the Fifth Circuit Court of Appeals) and *LawHQ v. Willing* (No. 20-cv-00085 in the Western District of Texas); and Section 551.072 to deliberate regarding the potential purchase of real property at 1415 Lavaca St. in Austin were discussed.

There being no further business, a motion to adjourn was made by Director Steve Naylor and seconded by Director August Harris. The meeting was adjourned at 2:49 pm.

Exhibits referenced in these minutes are available online at [texasbar.com/board](https://www.texasbar.com/board)

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**BYLAWS
STATE BAR OF TEXAS
FAMILY LAW SECTION**

**ARTICLE I
Name and Purpose**

- Section 1. This Section shall be known as the Family Law Section of the State Bar of Texas.
- Section 2. The purpose of the Family Law Section shall be to promote the objectives of the State Bar of Texas by improving Family Law and the practice of Family Law in Texas, subject to the Bylaws of this Section and the laws, rules and regulations of the State Bar of Texas.

**ARTICLE II
Membership and Dues**

- Section 1. All members of the Section shall be members of the State Bar of Texas, and each shall pay annual dues in an amount set by the Council and approved by the Board of Directors of the State Bar of Texas.
- Section 2. Subject to the discretion of a majority vote of the Council, associate members may be permitted to join the Section. Associate members of the Section shall consist of non-lawyers and out of state lawyers, and each shall pay annual dues in an amount set by the Council and approved by the Board of Directors of the State Bar of Texas. Associate members may not hold themselves out as being members of the State Bar or make any representation that they are licensed by the State Bar. Associate members shall have no Section member voting rights.
- Section 3. Any person eligible to be a member or associate member, upon request of the Treasurer and upon payment of dues for the current year, shall be enrolled as a member or associate member of the Section. Thereafter, dues shall be paid in advance each year beginning on July 1st next succeeding such enrollment. Any member or associate member whose annual dues shall be more than 6 months past due shall cease to be a member or associate member of the Section.

**ARTICLE III
Officers and Council**

- Section 1. The Officers shall be Immediate Past-Chair, Chair, Chair-Elect, Vice-Chair, Treasurer and Secretary, which shall comprise the Executive Committee.

- Section 2. There shall be a Council, which shall consist of the Chair, Chair-Elect, Vice-Chair, Treasurer, and Secretary, together with twenty-five other members to be elected by the Section as hereinafter provided, all of whom shall be a voting member of the Council. A member of the Council must be a member of the Section.
- Section 3. The ~~Chair~~, Chair-Elect, Vice-Chair, Treasurer, and Secretary shall be nominated and elected, in the manner hereinafter provided, at the Annual Meeting of the Section in each year, to hold office for a one-year term beginning at the close of the Annual Meeting at which they shall have been elected, and ending at the close of the Annual meeting of the Section one year hence, and until their successors shall have been elected and qualified. ~~The Chair-Elect shall automatically become the Chair of the Section at the Annual Meeting of the Section which occurs at the end of the Chair-Elect's one-year term. The advancement from Chair-Elect to Chair shall occur automatically, without a vote of membership.~~
- Section 4. The terms of the elected Council members shall be for five years, divided into five sections of five members each so that each year the terms of five members shall expire. At each Annual Meeting of the Section, five members of the Council shall be nominated and elected to serve for five years. ("Year" as used herein shall mean a term beginning at the close of the Annual Meeting at which they shall have been elected and ending at the close of the first succeeding Annual Meeting.) The unexpired terms of any vacancy in the Council membership, other than Officers, shall be filled by election by the Council.
- Section 5. Unless excused by the Executive Committee, any member who misses more than one Council meeting shall be removed from office and a successor shall be elected by the Council.
- Section 6. ~~No person who has served a full 5-year term as a Council member shall be eligible for election to another full 5-year term as a Council member, except as provided in this section.~~
- a. ~~The Executive Committee may nominate and the Section may elect one person for an election year who has served a full 5-year term as a Council member to fulfill not more than one additional 5-year term (Silver Bullet Provision). This provision may be exercised by the Executive Committee only one time per year.~~
- b. ~~In addition, the Executive Committee may nominate and the Section may elect a second person for an election year who has served a full 5-year term as a Council member to fulfill not more than one additional 5-year term (Second Silver Bullet Provision). If the Executive Committee nominates and the Section elects a person with this Second Silver Bullet, the Executive Committee may not nominate a person for a Second Silver~~

Bullet for the next two election years.

Neither of these provisions bars a person from being nominated and elected to serve a full 5-year term if that person has been off the Council for at least one year.

Section 7.

No person shall be eligible for election as a member of the Council or as an Officer if that person is at the time of the election a partner, associate, shareholder, member or employee of another voting member of the Council or an Officer of the Section or such member's or Officer's law firm, except as follows:

On a 2/3 affirmative vote of the voting members of the Council and Officers present, a second partner, associate, shareholder, member or employee of a law firm may be placed on the slate for election and be eligible for election so long as the second firm member's term will not overlap the existing member's current term as a member or Officer by more than one (1) year. This is the exclusive means by which a second member of the same law firm can become eligible for election to the Council as a member or Officer. Nominations from the floor at the Annual Meeting will not be accepted if the person so nominated is a partner, associate, shareholder, member or employee of the same law firm as a member of the Council or Officer (including Immediate Past-Chair) currently serving.

In no event shall more than two partners, associates, shareholders, members or employees of the same law firm be eligible to serve as members of the Council (including service as Officers) at the same time.

In no event shall more than one partner, associate, shareholder, member or employee of the same law firm be eligible for election to serve as an Officer (including Immediate Past-Chair) at the same time.

Notwithstanding the foregoing, in the event currently serving members of the Council or Officers become partners, associates, shareholders, members or employees of the same law firm while they are serving, no such member or Officer shall be required to resign. However, no additional partners, associates, shareholders, members or employees of that law firm will be eligible for election or to serve as members of the Council or as Officers until such time as the addition of a member of that law firm would be in compliance with the foregoing restrictions.

Section 8.

No person shall be eligible for election as a member of the Council or an Officer if that person is at the time of the election a spouse of or related within one degree of consanguinity or affinity to another voting member of the Council or an Officer, except as follows:

On a 2/3 affirmative vote of the voting members of the Council and Officers present, a spouse of or person related within one degree of consanguinity or

affinity to another voting member of the Council or an Officer may be placed on the slate for election and be eligible for election so long as the spouse of or person related within one degree of consanguinity or affinity to another voting member of the Council or an Officer's term will not overlap the existing member's current term as a member or Officer by more than one (1) year.

Section 9. The Council may remove an Officer or member of the Council when such removal is determined by the Council to be in the best interest of the Section. Such removal requires an affirmative vote of at least 2/3 of the Council members (not counting the member facing removal).

Section 10. A vacancy may be declared in any seat on the Council upon death, resignation, election as an Officer, or removal of the member. Vacancies are to be filled in accordance with these Bylaws.

ARTICLE IV Nomination and Election of Officers and Council

Section 1. Not less than six months prior to each Annual Meeting, the Chair shall appoint a Nominating Committee consisting of five members of the Section, including the Chair-Elect, which committee shall make and report nominations for the election of Officers and members of the Council at the next Annual Meeting, to succeed those whose terms will expire at the close of that Annual Meeting. The report of the Nominating Committee shall be approved or amended by the Council in accordance with these Bylaws, resulting in the slate of proposed members of the Council and Officers. Such slate of proposed members of the Council and Officers shall thereafter be communicated to the members of the Section in writing by conventional mail, facsimile, or any form of electronic data transmission, including, but not limited to e-mail, no less than thirty days prior to the Annual Meeting.

Section 2. All elections shall be by majority vote of the members of the Section present and voting at the Annual Meeting at which time the election is held.

ARTICLE V Duties of Officers

Section 1. Chair. The Chair shall preside at all meetings of the Section and of the Council, shall formulate and present to the State Bar of Texas an annual report, and shall perform such other duties and acts as usually pertain to this office.

Section 2. Chair-Elect. Upon the death, resignation, or during the disability of the Chair, or upon the Chair's refusal to act, the Chair-Elect shall perform the

duties of the Chair for the remainder of the Chair's term except in the case of the Chair's disability, then only during so much of the term as the disability continues. The Chair-Elect shall be responsible for and perform those tasks and functions assigned by the Chair, and in conjunction with the other Officers as authorized by the Council, shall attend generally to the business of the Section.

Section 3. Vice-Chair. The Vice-Chair shall serve as parliamentarian. The Vice-Chair shall be responsible for and perform those tasks and functions assigned by the Chair, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 4. Treasurer. The Treasurer shall be the custodian of all financial books, papers, documents and information of the Section, shall keep an accurate record of all monies appropriated to and expended for the use of the Section, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 5. Secretary. The Secretary shall be the custodian of all nonfinancial books, papers, documents, and property of the Section, shall keep a true record of the proceedings of all meetings of the Section and of the Council, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 6. The Awards & Scholarship Committee shall consider nominations for the Dan Price Award, Hall of Legends Award, Ken Fuller Pro Bono Award and Joseph W. McKnight Best Family Law CLE Article Award and shall make a recommendation to the Executive Committee for those awards not less than thirty days prior to the meeting at which the awards are to be bestowed. The Executive Committee shall consider the recommendations and shall vote to approve or disapprove the committee recommendations. None of the Awards listed in this Section may be bestowed without the approval by a majority vote of the Executive Committee.

The Committee for the Hall of Legends Award will include all prior Hall of Legends Award recipients, the Chair of the Section, one Past-Chair and the Chair of the Awards Committee.

ARTICLE VI Duties and Powers of the Council

Section 1. The Council shall meet at such times and places as the Chair shall designate; or as may be called (1) by three of the Officers, or (2) by the Secretary when requested in writing to do so by five members of the Council. A majority of the voting members shall constitute a quorum for the transaction of business at any meeting of the Council.

- Section 2. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Bylaws of the Section and the rules governing the State Bar of Texas. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all monies appropriated or authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated by the Section for such fiscal year.
- Section 3. The Council may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws.
- Section 4. The Council, during the interim between Annual Meetings, shall fill vacancies in its own membership or in the offices of Chair-Elect, Vice-Chair, Treasurer or Secretary, to fill the unexpired term.
- Section 5. All binding action of the Council shall be by a majority vote of the Council.
- Section 6. Members of the Council shall vote in person, except for proposals submitted for consideration under Section 7 below.
- Section 7. The Chair may, upon approval of the Executive Committee, submit or cause to be submitted in writing (including by fax or e-mail), to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing (including by fax or e-mail) over their respective signature (however, in the case of e-mail, no signature is required as long as an e-mail is received from the recognized e-mail address of the member), to the Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorrect shall be in favor of such proposition, such majority votes shall constitute the binding action of the Council.
- Section 8. The Council may appoint such representatives and agents as the Council may deem necessary. Such persons shall have such authority and perform such duties as shall from time to time be prescribed by the Council. All representatives and agents shall hold their respective positions at the pleasure of the Council and may be removed and discharged at any time, with or without cause, provided that removal without cause shall not prejudice the contract rights, if any, of such representatives and agents.

ARTICLE VII
Meeting of the Section

- Section 1. The Annual Meeting of the Section shall be held during the Annual Meeting of the State Bar of Texas or such other place and time chosen by the Council, as permitted by applicable State Bar rules, with such program and order of business as may be arranged by the Council.
- Section 2. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.
- Section 3. All binding action of the Section shall be by a majority vote of the members present.

ARTICLE VIII
Miscellaneous Provisions

- Section 1. The fiscal year of the Section shall be the same as that of the State Bar of Texas.
- Section 2. All dues and other money shall be deposited in such depository or depositories as designated by the Chair, subject to the control of the Council, and withdrawn on checks or drafts signed by the Treasurer or the Chair. In the event of disability of the Treasurer, the Chair may exercise the powers herein delegated to the Treasurer.
- Section 3. Expenditures out of the dues or other money, whether current or accumulated, shall be made only by the authority of the Officers or Council. Except for good cause shown, all reimbursement requests submitted by Council members to the Treasurer for payment must be submitted to the Treasurer within 90 days of incurring the expense.
- Section 4. No salary or compensation shall be paid to any Officer, Council Member or committee member.
- Section 5. Any action or policy recommendation of the Section shall not be construed to represent the official actions or policy of the State Bar of Texas. Such action or policy recommendation of the Section shall reflect State Bar action or policy only if the same is acted on and approved by the Board of Directors, the General Assembly, or by the membership in response to a referendum. Otherwise, any action or policy recommendation of the Section is merely informative and represents only the views of the Section or committee submitting them.
- Section 6. No position may be taken by the Section or its members in the name of the Section or the State Bar that advocates or advances a political or social policy position in violation of State Bar policies, the State Bar Act, the State Bar Rules, or any other applicable state or federal law. No Officer

or Council member may endorse any candidate in his or her official capacity as an officer or member of the Council.

Section 7. All information concerning any Section member that is deemed confidential by state or federal law, including Tex. Govt. Code Ch. 552 and Tex. Occ. Code Ch. 59, including email addresses, may be used only for official section business and may not be disclosed to the public or any third party. The Section will take reasonable and necessary precautions to protect the confidentiality of all such information.

Section 8. These Bylaws and any amendments thereto shall become effective when approved by resolution of the Board of Directors of the State Bar of Texas or in accordance with the rules and regulations governing the State Bar of Texas by its members in a duly authorized referendum or in a general assembly at an annual convention.

Section 9. These Bylaws, as amended, shall be effective as of the meeting at which they are approved.

Section 10. The Section is authorized to collect membership dues and govern expenditures of income. The Section shall maintain accurate financial books and records and have appropriate controls on the maintenance and disbursement of the Section's funds, all in a fashion that permits the inclusion of the Section's financial information in the State Bar's financial statements and audit. The Section shall provide to the State Bar such financial information as may be required for compliance with the requirements for the independent financial and/or internal audits of the State Bar as required by applicable law, and pursuant to the State Bar's procedures for section financial reporting, as such procedures may be amended from time to time. The Section will submit to the Executive Director of the State Bar by July 15th of each year a budget for the then current fiscal year.

Section 11. To the extent required by law, the Section will collect sales tax on goods or services that it sells, and will remit monthly to the State Bar all sales tax collected during the immediately preceding month, along with a report listing the price, quantity and description of the goods or services so sold in such detail as the State Bar Accounting Department reasonably may require to ensure compliance with applicable law, rules and regulations.

Section 12. Section funds should be invested consistent with the State Bar's Investment Policy as set forth in the State Bar Board of Directors Policy Manual, as the same may be amended from time to time. Section funds shall be deposited into either a branch of the State Bar banking depository or an alternative banking depository meeting the

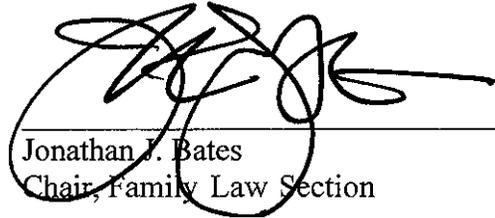
requirements of the of the State Bar's Investment Policy.

ARTICLE IX
Amendments

These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Directors of the State Bar of Texas.

CERTIFICATION

I certify that the foregoing constitutes a true and correct copy of the Bylaws of the Family Law Section of the State Bar of Texas, as amended and approved by the Officers and Council on December 12, 2020 and adopted by majority vote of the Section members present and voting at the Annual Section meeting on April 29, 2021.


Jonathan J. Bates
Chair, Family Law Section

These Bylaws were approved by the Board of Directors of the State Bar of Texas on
----- 2021.

**BYLAWS
STATE BAR OF TEXAS
FAMILY LAW SECTION**

**ARTICLE I
Name and Purpose**

- Section 1. This Section shall be known as the Family Law Section of the State Bar of Texas.
- Section 2. The purpose of the Family Law Section shall be to promote the objectives of the State Bar of Texas by improving Family Law and the practice of Family Law in Texas, subject to the Bylaws of this Section and the laws, rules and regulations of the State Bar of Texas.

**ARTICLE II
Membership and Dues**

- Section 1. All members of the Section shall be members of the State Bar of Texas, and each shall pay annual dues in an amount set by the Council and approved by the Board of Directors of the State Bar of Texas.
- Section 2. Subject to the discretion of a majority vote of the Council, associate members may be permitted to join the Section. Associate members of the Section shall consist of non-lawyers and out of state lawyers, and each shall pay annual dues in an amount set by the Council and approved by the Board of Directors of the State Bar of Texas. Associate members may not hold themselves out as being members of the State Bar or make any representation that they are licensed by the State Bar. Associate members shall have no Section member voting rights.
- Section 3. Any person eligible to be a member or associate member, upon request of the Treasurer and upon payment of dues for the current year, shall be enrolled as a member or associate member of the Section. Thereafter, dues shall be paid in advance each year beginning on July 1st next succeeding such enrollment. Any member or associate member whose annual dues shall be more than 6 months past due shall cease to be a member or associate member of the Section.

**ARTICLE III
Officers and Council**

- Section 1. The Officers shall be Immediate Past-Chair, Chair, Chair-Elect, Vice-Chair, Treasurer and Secretary, which shall comprise the Executive Committee.

- Section 2. There shall be a Council, which shall consist of the Chair, Chair-Elect, Vice-Chair, Treasurer, and Secretary, together with twenty-five other members to be elected by the Section as hereinafter provided, all of whom shall be a voting member of the Council. A member of the Council must be a member of the Section.
- Section 3. The Chair-Elect, Vice-Chair, Treasurer, and Secretary shall be nominated and elected, in the manner hereinafter provided, at the Annual Meeting of the Section in each year, to hold office for a one-year term beginning at the close of the Annual Meeting at which they shall have been elected, and ending at the close of the Annual meeting of the Section one year hence, and until their successors shall have been elected and qualified. The Chair-Elect shall automatically become the Chair of the Section at the Annual Meeting of the Section which occurs at the end of the Chair-Elect's one-year term. The advancement from Chair-Elect to Chair shall occur automatically, without a vote of membership.
- Section 4. The terms of the elected Council members shall be for five years, divided into five sections of five members each so that each year the terms of five members shall expire. At each Annual Meeting of the Section, five members of the Council shall be nominated and elected to serve for five years. ("Year" as used herein shall mean a term beginning at the close of the Annual Meeting at which they shall have been elected and ending at the close of the first succeeding Annual Meeting.) The unexpired terms of any vacancy in the Council membership, other than Officers, shall be filled by election by the Council.
- Section 5. Unless excused by the Executive Committee, any member who misses more than one Council meeting shall be removed from office and a successor shall be elected by the Council.
- Section 6. No person who has served a full 5-year term as a Council member shall be eligible for election to another full 5-year term as a Council member, except as provided in this section.
- a. The Executive Committee may nominate and the Section may elect one person for an election year who has served a full 5-year term as a Council member to fulfill not more than one additional 5-year term (Silver Bullet Provision). This provision may be exercised by the Executive Committee only one time per year.
- b. In addition, the Executive Committee may nominate and the Section may elect a second person for an election year who has served a full 5-year term as a Council member to fulfill not more than one additional 5-year term (Second Silver Bullet Provision). If the Executive Committee nominates and the Section elects a person with this Second Silver Bullet, the Executive Committee may not nominate a person for a Second Silver

Bullet for the next two election years.

Neither of these provisions bars a person from being nominated and elected to serve a full 5-year term if that person has been off the Council for at least one year.

Section 7.

No person shall be eligible for election as a member of the Council or as an Officer if that person is at the time of the election a partner, associate, shareholder, member or employee of another voting member of the Council or an Officer of the Section or such member's or Officer's law firm, except as follows:

On a 2/3 affirmative vote of the voting members of the Council and Officers present, a second partner, associate, shareholder, member or employee of a law firm may be placed on the slate for election and be eligible for election so long as the second firm member's term will not overlap the existing member's current term as a member or Officer by more than one (1) year. This is the exclusive means by which a second member of the same law firm can become eligible for election to the Council as a member or Officer. Nominations from the floor at the Annual Meeting will not be accepted if the person so nominated is a partner, associate, shareholder, member or employee of the same law firm as a member of the Council or Officer (including Immediate Past-Chair) currently serving.

In no event shall more than two partners, associates, shareholders, members or employees of the same law firm be eligible to serve as members of the Council (including service as Officers) at the same time.

In no event shall more than one partner, associate, shareholder, member or employee of the same law firm be eligible for election to serve as an Officer (including Immediate Past-Chair) at the same time.

Notwithstanding the foregoing, in the event currently serving members of the Council or Officers become partners, associates, shareholders, members or employees of the same law firm while they are serving, no such member or Officer shall be required to resign. However, no additional partners, associates, shareholders, members or employees of that law firm will be eligible for election or to serve as members of the Council or as Officers until such time as the addition of a member of that law firm would be in compliance with the foregoing restrictions.

Section 8.

No person shall be eligible for election as a member of the Council or an Officer if that person is at the time of the election a spouse of or related within one degree of consanguinity or affinity to another voting member of the Council or an Officer, except as follows:

On a 2/3 affirmative vote of the voting members of the Council and Officers present, a spouse of or person related within one degree of consanguinity or

affinity to another voting member of the Council or an Officer may be placed on the slate for election and be eligible for election so long as the spouse of or person related within one degree of consanguinity or affinity to another voting member of the Council or an Officer's term will not overlap the existing member's current term as a member or Officer by more than one (1) year.

Section 9. The Council may remove an Officer or member of the Council when such removal is determined by the Council to be in the best interest of the Section. Such removal requires an affirmative vote of at least 2/3 of the Council members (not counting the member facing removal).

Section 10. A vacancy may be declared in any seat on the Council upon death, resignation, election as an Officer, or removal of the member. Vacancies are to be filled in accordance with these Bylaws.

ARTICLE IV Nomination and Election of Officers and Council

Section 1. Not less than six months prior to each Annual Meeting, the Chair shall appoint a Nominating Committee consisting of five members of the Section, including the Chair-Elect, which committee shall make and report nominations for the election of Officers and members of the Council at the next Annual Meeting, to succeed those whose terms will expire at the close of that Annual Meeting. The report of the Nominating Committee shall be approved or amended by the Council in accordance with these Bylaws, resulting in the slate of proposed members of the Council and Officers. Such slate of proposed members of the Council and Officers shall thereafter be communicated to the members of the Section in writing by conventional mail, facsimile, or any form of electronic data transmission, including, but not limited to e-mail, no less than thirty days prior to the Annual Meeting.

Section 2. All elections shall be by majority vote of the members of the Section present and voting at the Annual Meeting at which time the election is held.

ARTICLE V Duties of Officers

Section 1. Chair. The Chair shall preside at all meetings of the Section and of the Council, shall formulate and present to the State Bar of Texas an annual report, and shall perform such other duties and acts as usually pertain to this office.

Section 2. Chair-Elect. Upon the death, resignation, or during the disability of the Chair, or upon the Chair's refusal to act, the Chair-Elect shall perform the

duties of the Chair for the remainder of the Chair's term except in the case of the Chair's disability, then only during so much of the term as the disability continues. The Chair-Elect shall be responsible for and perform those tasks and functions assigned by the Chair, and in conjunction with the other Officers as authorized by the Council, shall attend generally to the business of the Section.

Section 3. Vice-Chair. The Vice-Chair shall serve as parliamentarian. The Vice-Chair shall be responsible for and perform those tasks and functions assigned by the Chair, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 4. Treasurer. The Treasurer shall be the custodian of all financial books, papers, documents and information of the Section, shall keep an accurate record of all monies appropriated to and expended for the use of the Section, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 5. Secretary. The Secretary shall be the custodian of all nonfinancial books, papers, documents, and property of the Section, shall keep a true record of the proceedings of all meetings of the Section and of the Council, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 6. The Awards & Scholarship Committee shall consider nominations for the Dan Price Award, Hall of Legends Award, Ken Fuller Pro Bono Award and Joseph W. McKnight Best Family Law CLE Article Award and shall make a recommendation to the Executive Committee for those awards not less than thirty days prior to the meeting at which the awards are to be bestowed. The Executive Committee shall consider the recommendations and shall vote to approve or disapprove the committee recommendations. None of the Awards listed in this Section may be bestowed without the approval by a majority vote of the Executive Committee.

The Committee for the Hall of Legends Award will include all prior Hall of Legends Award recipients, the Chair of the Section, one Past-Chair and the Chair of the Awards Committee.

ARTICLE VI Duties and Powers of the Council

Section 1. The Council shall meet at such times and places as the Chair shall designate; or as may be called (1) by three of the Officers, or (2) by the Secretary when requested in writing to do so by five members of the Council. A majority of the voting members shall constitute a quorum for the transaction of business at any meeting of the Council.

- Section 2. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Bylaws of the Section and the rules governing the State Bar of Texas. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all monies appropriated or authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated by the Section for such fiscal year.
- Section 3. The Council may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws.
- Section 4. The Council, during the interim between Annual Meetings, shall fill vacancies in its own membership or in the offices of Chair-Elect, Vice-Chair, Treasurer or Secretary, to fill the unexpired term.
- Section 5. All binding action of the Council shall be by a majority vote of the Council.
- Section 6. Members of the Council shall vote in person, except for proposals submitted for consideration under Section 7 below.
- Section 7. The Chair may, upon approval of the Executive Committee, submit or cause to be submitted in writing (including by fax or e-mail), to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing (including by fax or e-mail) over their respective signature (however, in the case of e-mail, no signature is required as long as an e-mail is received from the recognized e-mail address of the member), to the Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorrect shall be in favor of such proposition, such majority votes shall constitute the binding action of the Council.
- Section 8. The Council may appoint such representatives and agents as the Council may deem necessary. Such persons shall have such authority and perform such duties as shall from time to time be prescribed by the Council. All representatives and agents shall hold their respective positions at the pleasure of the Council and may be removed and discharged at any time, with or without cause, provided that removal without cause shall not prejudice the contract rights, if any, of such representatives and agents.

ARTICLE VII
Meeting of the Section

- Section 1. The Annual Meeting of the Section shall be held during the Annual Meeting of the State Bar of Texas or such other place and time chosen by the Council, as permitted by applicable State Bar rules, with such program and order of business as may be arranged by the Council.
- Section 2. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.
- Section 3. All binding action of the Section shall be by a majority vote of the members present.

ARTICLE VIII
Miscellaneous Provisions

- Section 1. The fiscal year of the Section shall be the same as that of the State Bar of Texas.
- Section 2. All dues and other money shall be deposited in such depository or depositories as designated by the Chair, subject to the control of the Council, and withdrawn on checks or drafts signed by the Treasurer or the Chair. In the event of disability of the Treasurer, the Chair may exercise the powers herein delegated to the Treasurer.
- Section 3. Expenditures out of the dues or other money, whether current or accumulated, shall be made only by the authority of the Officers or Council. Except for good cause shown, all reimbursement requests submitted by Council members to the Treasurer for payment must be submitted to the Treasurer within 90 days of incurring the expense.
- Section 4. No salary or compensation shall be paid to any Officer, Council Member or committee member.
- Section 5. Any action or policy recommendation of the Section shall not be construed to represent the official actions or policy of the State Bar of Texas. Such action or policy recommendation of the Section shall reflect State Bar action or policy only if the same is acted on and approved by the Board of Directors, the General Assembly, or by the membership in response to a referendum. Otherwise, any action or policy recommendation of the Section is merely informative and represents only the views of the Section or committee submitting them.
- Section 6. No position may be taken by the Section or its members in the name of the Section or the State Bar that advocates or advances a political or social policy position in violation of State Bar policies, the State Bar Act, the State Bar Rules, or any other applicable state or federal law. No Officer

or Council member may endorse any candidate in his or her official capacity as an officer or member of the Council.

Section 7. All information concerning any Section member that is deemed confidential by state or federal law, including Tex. Govt. Code Ch. 552 and Tex. Occ. Code Ch. 59, including email addresses, may be used only for official section business and may not be disclosed to the public or any third party. The Section will take reasonable and necessary precautions to protect the confidentiality of all such information.

Section 8. These Bylaws and any amendments thereto shall become effective when approved by resolution of the Board of Directors of the State Bar of Texas or in accordance with the rules and regulations governing the State Bar of Texas by its members in a duly authorized referendum or in a general assembly at an annual convention.

Section 9. These Bylaws, as amended, shall be effective as of the meeting at which they are approved.

Section 10. The Section is authorized to collect membership dues and govern expenditures of income. The Section shall maintain accurate financial books and records and have appropriate controls on the maintenance and disbursement of the Section's funds, all in a fashion that permits the inclusion of the Section's financial information in the State Bar's financial statements and audit. The Section shall provide to the State Bar such financial information as may be required for compliance with the requirements for the independent financial and/or internal audits of the State Bar as required by applicable law, and pursuant to the State Bar's procedures for section financial reporting, as such procedures may be amended from time to time. The Section will submit to the Executive Director of the State Bar by July 15th of each year a budget for the then current fiscal year.

Section 11. To the extent required by law, the Section will collect sales tax on goods or services that it sells, and will remit monthly to the State Bar all sales tax collected during the immediately preceding month, along with a report listing the price, quantity and description of the goods or services so sold in such detail as the State Bar Accounting Department reasonably may require to ensure compliance with applicable law, rules and regulations.

Section 12. Section funds should be invested consistent with the State Bar's Investment Policy as set forth in the State Bar Board of Directors Policy Manual, as the same may be amended from time to time. Section funds shall be deposited into either a branch of the State Bar banking depository or an alternative banking depository meeting the

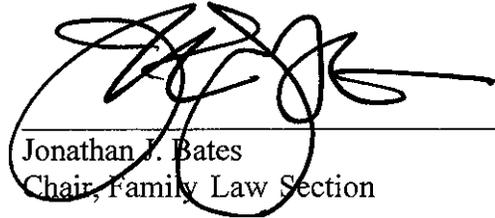
requirements of the of the State Bar's Investment Policy.

ARTICLE IX
Amendments

These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Directors of the State Bar of Texas.

CERTIFICATION

I certify that the foregoing constitutes a true and correct copy of the Bylaws of the Family Law Section of the State Bar of Texas, as amended and approved by the Officers and Council on December 12, 2020 and adopted by majority vote of the Section members present and voting at the Annual Section meeting on April 29, 2021.



Jonathan J. Bates
Chair, Family Law Section

These Bylaws were approved by the Board of Directors of the State Bar of Texas on June 17, 2021.



State Bar of Texas Litigation Section

P.O. Box 12487
Austin, TX 78711-2487

CHAIR:

Hon. Xavier Rodriguez
US DISTRICT COURT
655 E CESAR E CHAVEZ BLVD
RM G65
JOHN H WOOD JR US
COURTHOUSE
SAN ANTONIO, TX 78206-1106
PHONE: (210) 472-6575
Xavier_Rodriguez@txwd.uscourts.gov

DATE: April 21, 2021

TO: State Bar of Texas Executive Committee

FROM: Hon. Xavier Rodriguez, Chair, Litigation Section, State Bar of Texas
Andy Kerr, Legislative Chair, Litigation Section, State Bar of Texas

CHAIR-ELECT:

Cade Browning
BROWNING LAW FIRM, PLLC
PO BOX 1600
ABILENE, TX 79604-1600
PHONE: (325) 437-3737
cade@browningfirm.com

RE: Request to Oppose HB 1875 - Relating to the Creation of a Business Court and a Court of Business Appeals

Request to Oppose HB 1875

Relating to the Creation of a Business Court and a Court of Business Appeals

VICE-CHAIR:

Judson Paul Manning
FIELD, MANNING, STONE,
HAWTHORNE, & AYCOCK
2112 INDIANA AVE
LUBBOCK, TX 79410-1444
PHONE: (806) 792-0810
jpmanning@lubbocklawfirm.com

The Litigation Section, if permitted by the Board of Directors of the State Bar, proposes to submit the attached resolution to the Texas Legislature, setting forth its position concerning HB1875 relating to the creation of a Business Court and a Court of Business Appeals. This resolution was adopted by unanimous vote of the full council of the section, at its regular meeting on April 9, 2021, by unanimous vote. No approval or disapproval of the section's general membership has been obtained.

TREASURER:

Geoffrey Gannaway
BECK REDDEN LLP
1221 MCKINNEY ST STE 4500
HOUSTON, TX 77010-2029
PHONE: (713) 951-6263
ggannaway@beckredden.com

This position is being presented only on behalf of the section and should not be construed as representing the position of the Board of Directors, the Executive Committee or the general membership of the State Bar.

The section is seeking to obtain permission to oppose this bill through the accelerated process described in Section 8.01.10(B)(3) of the [State Bar Board Policy Manual](#), as time is of the essence regarding any bill filed during the Legislative session.

SECRETARY:

Rebecca Simmons
P.O. BOX 12408
SAN ANTONIO, TX 78212
PHONE: (210) 912-4374
rebsimmons1@gmail.com

This request and resolution has been circulated, via the Sections Department, to all State Bar Standing Committee Chairs and Section Chairs on this 21st day of April, 2021. Comments and/or objections regarding this request were requested to be sent directly to KaLyn Laney, Deputy Executive Director on or before April 27, 2021 at 5:00 p.m.

LEGISLATIVE COMMITTEE CHAIR

Andrew L. Kerr
2301 BROADWAY ST.
SAN ANTONIO, TEXAS 78215
(210) 250-6015 (BUSINESS)
(210) 413-3455 (CELL)
ANDY.KERR@CLARKHILLSTRASBURGER.COM

The State Bar Board (via its Executive Committee) has granted permission for the Litigation Section and the Judicial Section to oppose bills similar to this in prior legislative sessions. It is our understanding that the State Bar Board has granted permission to the Business Law Section to support a similar bill in a recent past session, but this has not been verified.

This bill and the reasons the section is seeking to take a position against this bill are summarized below in our Resolution.

Resolution and Request to Oppose HB 1875

Relating to the Creation of a Business Court and a Court of Business Appeals

Description of HB 1875: This bill is the latest in a series of bills filed, but never passed, in past legislative sessions dating back to at least 2015 that would create a statewide specialized civil trial court and an appellate court to hear derivative actions on behalf of

organizations (defined) and actions against, between or among organizations, governing authorities (undefined) and certain classes of individuals (defined) relating to a contract transaction for business or similar purposes. The Business Court would be composed of 7 trial judges appointed by the governor for 2-year terms. The Court of Business Appeals would hear appeals from the Business Court and be composed of 7 justices also appointed by the governor for 2-year terms. Appeals from the Business Court of Appeals would go to the Texas Supreme Court.

The Litigation Section requests it be allowed to oppose this bill for the following reasons:

- **Negative Impact on Access to Justice:** The State Bar Board has always taken the position that a section can and should request and be granted permission to oppose bills that impact access to justice. This bill challenges access to the justice system in many ways: (1) the constitutionality of the bill's underlying framework and appellate track is questionable. The bill itself contains several contingent provisions in the event the Act or the appointment of judges or justices under the Act is found to be unconstitutional; (2) it will increase costs that will be passed on to litigants; (3) it will have an adverse financial impact on the existing judicial system resulting in a resource drain, displacement and competition for courthouse space; (4) it will create an unlevel playing field for litigants of limited means; (5) delays in resolving the Business Court docket likely will cause delays in resolving the regular court docket; (6) the bill's provision that personal injury claims must be severed from business claims is not only inefficient but could lead to conflicting and inconsistent outcomes in otherwise related claims.
- **2008 State Bar of Texas Court Administration Task Force:** In 2007, the State Bar Board granted permission for the Litigation Section to oppose a specialty court bill, SB 1204. The bill did not pass. Post session, members of the Litigation Section Council, along with other stakeholders, were asked to serve on the 2008 State Bar of Texas Court Administration Task Force to consider matters concerning the courts, including specialty courts. This led to the recommendation and enactment in 2009 of a specific court resources provision, Section 74.254 of the Government Code, with the Task Force and the Legislature recognizing there was no need for a separate court system. Unfortunately, these resources have not been provided. However, the Task Force's recommendations remain valid and under Section 74.254, the Legislature should provide such funding in lieu of the creation of an entirely new and additional court system in Texas.
- **Lack of Data and Input from Stakeholders:** This is a major revision of the judicial system in Texas without gathering and analyzing data to determine the need for the change or the reasonable probability that the desired result can or will be obtained. There has been no analysis of the potential for unintended consequences. Whether the proposed change will improve the judicial system of Texas or make it more prone to manipulative legal tactics is a legitimate concern. Major revisions of the judicial system in the past have relied upon objective data, careful reflection, meaningful review and input from relevant stakeholders, and a showing that the revision will justify the cost and have a reasonable probability of success. There is a lack of any empirical evidence that supports the case for creating specialized business courts. It also bears noting how little we know about the consequences of actually enacting this legislation, including the impact on our judicial system, our county governments, our funding of the courts and our citizens. As always, those who urge major civil justice reforms should have the dual burdens of showing—with credible evidence—the existing system deficiencies and that the proposed reforms will not create other significant problems that will worsen access to justice.

- **Judicial Resources:** The proposed Business Court system, with its own segregated trial and appellate system, would be a resource and financial drain on a judicial system that is already underfunded. Without the necessary empirical data and analysis, it is not possible to determine the full extent of the drain and the current judicial services that will be affected. Moreover, no necessity has been established to justify such a redundant judicial system. Like criminal, probate or juvenile courts, specialty courts for complex litigation could be created within the current court system as facilities and demand exist. Also, the bill's suggestion that lower appellate courts are incapable of handling complex business cases, while providing for appeals from a single business court of appeals to the supreme court, is both unfounded and inconsistent.
- **Litigation Costs:** The proposed scenario for a Business Court and Business Court of Appeals is likely to increase litigation costs, promote forum shopping, and cause delay.
- **Displacement:** HB 1875 would interfere with the justice system by displacing local dockets, courtroom space, judges and court staff. These are roving judges without courtrooms. This is a unique concept and it is not possible, given the time constraints, to calculate the impact on local courtroom usage and dockets, especially in a state which requires diverse approaches to managing dockets in high density urban areas as well as in rural counties and districts. The proposed Business Court system will disrupt the judicial system in both urban and rural districts.
- **Judicial Selection Process:** The judges under this bill will be appointed rather than elected, which is a significant change that would result in a different selection process for courts having concurrent jurisdiction. This may lead to a perception of a lack of neutrality, compromised access to justice and an unlevel playing field for certain litigants. The creation of a court system where judges have concurrent jurisdiction and are selected under different criteria will, in all probability, undermine the public's perception in the remnants of the existing system, as well as any new system. The proposed system also has no provision to ensure that appointments are geographically diverse, which could give rise to a lack of ethnic diversity among the appointed judges or justices.
- **Constitutionality:** There have been questions raised concerning whether the bill comports with the Texas Constitution and the requirements of due process. We believe these questions need to be carefully considered in advance to minimize years of costly litigation.¹
- **Section 8.01.03 of the State Bar of Texas Board Policy Manual** permits any section to take a position either in support or in opposition to any legislation that relates to the "selection, tenure, compensation, staffing, equipping and housing of the State Judiciary.

Respectfully, the Section maintains that HB 1875, at every level, impacts selection, staffing, equipping, and housing of the judiciary and would be a barrier to access to the civil justice system, if enacted.

¹ The section does not and will not take a position on whether the bill violates the Texas Constitution or due process requirements.

A Resolution Honoring the 175th Anniversary of Federal Courts in Texas

Whereas on December 29, 1845, Congress created the United States District Court for the District of Texas, the first federal court for the new state, and ordered that itsit at the City of Galveston; and

Whereas on May 27, 1846, President James K. Polk nominated John Charles Watrous, previously Attorney General of the Republic of Texas, to be United States District Judge for the District of Texas, and he was confirmed by the Senate on May 29, 1846, and received his commission on the same day; and

Whereas on June 1, 1846, the United States District Court for the District of Texas was first called to order in the City of Galveston; and

Whereas Judge Watrous, by then Judge of the Eastern District of Texas, and Judge Thomas Howard DuVal, Judge of the Western District of Texas, the only two federal judges in Texas when it seceded from the Union in 1861, are also the only two federal judges in any of the Confederate states to remain loyal to the Union and return to their posts after the War Between the States; and

Whereas the federal judiciary in Texas, one of just two states to now be served by four federal judicial districts, the Northern, Eastern, Western, and Southern, is one of the largest and most respected federal judiciaries in the United States; and

Whereas the Texas federal judiciary is an integral part of the Texas judicial system, and serves the nation, the rule of law, and the people of Texas with justice and integrity,

Be It Therefore Resolved by the Board of Directors of the State Bar of Texas that the judges and staffs of the federal courts in Texas are deserving of the Bar's congratulations, gratitude, and best wishes during this 175th anniversary year of the first sitting by a federal court in our great State, and that such congratulations, gratitude, and best wishes should be announced at the Galveston County Bar Association's laudable commemoration of this great occasion held, appropriately, in the City of Galveston on June 1, 2021, the 175th anniversary of the first sitting by a federal court in Texas.

*Larry P. McDougal, President
State Bar of Texas*

*Sylvia Borunda Firth, President-Elect
State Bar of Texas*

*John Charles "Charlie" Ginn, Chair of the Board
State Bar of Texas*

witnessed by

*Trey Apffel, Executive Director
State Bar of Texas*

A Resolution Honoring Lloyd P. Lochridge Jr.

Whereas legal legend and past State Bar of Texas president Lloyd Lochridge passed away at the age of 103 on April 13, 2021,

Whereas Mr. Lochridge served as State Bar president in 1974-75, during which the Texas Law Center was financed and built, the Client Security Fund was adopted, and the bar implemented a statewide program of law-focused education in Texas public schools,

Whereas Mr. Lochridge earned his juris doctor from Harvard University in 1941, was admitted to the Bar of the District of Columbia in 1942, and joined the State Bar of Texas in 1945,

Whereas Mr. Lochridge served as a lieutenant commander in the U.S. Navy during World War II and retired from the Navy as a commander,

Whereas Mr. Lochridge practiced law in Mission, Texas, from 1945 to 1959 before moving to Austin and becoming a partner in McGinnis Lochridge's predecessor firm,

Whereas he stayed with the firm for the rest of his career, becoming a leader and mentor to countless attorneys,

Whereas past his 100th birthday, Mr. Lochridge still went to the office most workdays, remaining active in promoting the ethical practice of law, in pro bono work, and in volunteer leadership,

Whereas in addition to his service to the State Bar, Mr. Lochridge was a past president of the Hidalgo County Bar, past president of the Travis County Bar, and a member and delegate of the American Bar Association, among many other leadership roles,

Whereas in May 2017, Mr. Lochridge was inducted as a Texas Legal Legend by the State Bar of Texas Litigation Section,

Be It Therefore Resolved that the State Bar of Texas posthumously honors Lloyd P. Lochridge Jr. with this resolution for his service to our country, his commitment to the State Bar of Texas and many other legal organizations, and his unwavering dedication to the legal profession as a whole.

Resolution Adopted this 16th day of June 2021 by the State Bar of Texas Board of Directors.

*Larry P. McDougal, President
State Bar of Texas*

*Sylvia Borunda Firth, President-Elect
State Bar of Texas*

*John Charles "Charlie" Ginn, Chair of the Board
State Bar of Texas*

witnessed by

*Trey Apffel, Executive Director
State Bar of Texas*

A Resolution Honoring Broadus A. Spivey

Whereas *legal legend and past State Bar of Texas president Broadus A. Spivey passed away at the age of 84 on May 8, 2021,*

Whereas *Mr. Spivey served as State Bar president in 2001-02, during which time he established three priorities— completing a middle school student mediation project, improving the State Bar’s website, and assisting the implementation of the newly created Texas Access to Justice Commission,*

Whereas *Mr. Spivey became a Texas lawyer in 1962 after earning his juris doctor at the University of Texas,*

Whereas *Mr. Spivey, certified in personal injury trial law by the Texas Board of Legal Specialization, was a partner in Spivey & Grigg in Austin before he retired in 2019,*

Whereas *Mr. Spivey practiced law for 57 years and was recognized by the State Bar of Texas as a 50-Year Lawyer in 2012,*

Whereas *Mr. Spivey was a former president of the Texas Trial Lawyers Association, Capital Area Trial Lawyers Association, and International Academy of Trial Lawyers and served on the American Association of Trial Lawyers Board of Governors and the Trial Lawyers for Public Justice Board of Directors,*

Whereas *Mr. Spivey was a member of numerous legal organizations, including a life fellow of the Texas Bar Foundation and a fellow of the International Society of Barristers and American College of Trial Lawyers,*

Whereas *Mr. Spivey received many honors over his lengthy career, including a State Bar of Texas President’s Award, a Texas Trial Lawyers Association Lifetime Achievement Award, an American Bar Association Pursuit of Justice Award, and being inducted as a Texas Legal Legend by the State Bar of Texas Litigation Section,*

Be It Therefore Resolved *that the State Bar of Texas posthumously honors Broadus A. Spivey with this resolution for his service to the State Bar of Texas and other legal organizations and his unwavering commitment to the legal profession as a whole.*

Resolution Adopted *this 16th day of June 2021 by the State Bar of Texas Board of Directors.*

*Larry P. McDougal, President
State Bar of Texas*

*Sylvia Borunda Firth, President-Elect
State Bar of Texas*

*John Charles “Charlie” Ginn, Chair of the Board
State Bar of Texas*

witnessed by

*Trey Apffel, Executive Director
State Bar of Texas*