

LYNNE LIBERATO

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September 3, 2019

Randy Sorrels
ABRAHAM, WATKINS, NICHOLS,
SORRELS, AGOSTO, AZIZ
800 Commerce Street
Houston, Texas 77002

Jerry C. Alexander
Chair of the Board
PASSMAN & JONES
1201 Elm Street, Suite 2500
Dallas, Texas 75270

Re: Potential appointment to the Texas Commission on Judicial Selection

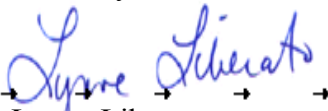
Dear Randy & Jerry:

I understand that the Administration Committee of the State Bar Board of Directors has recommended me as the State Bar's appointee to the Texas Commission on Judicial Selection. I write to express my appreciation for this recommendation and to let you know that I would be deeply honored if I am ultimately selected.

For the last 29 years I have practiced before Texas trial and appellate courts, and before that I had the opportunity to observe the judicial process from inside the courts for nine years as the first chief staff attorney for the Houston First Court of Appeals. There is no more critical component in the administration of justice than our judges and justices and there is no more critical task than ensuring that we have the best method to selecting them.

Again, thank you.

Sincerely,



Lynne Liberato

cc: James Wester
Trey Appfel

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PRACTICES

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APPELLATE CASE EVALUATION
AND ADVICE

ENERGY APPEALS

TORT AND PRODUCTS LIABILITY
APPEALS

EDUCATION AND CLERKSHIPS

J.D., South Texas College of Law
Houston, 1980, Alumna of the Year,
1992

M.A., Texas A&M University -
Commerce, 1978, Distinguished
Alumna Citation, 2002

B.S., Sam Houston State University,

Outstanding Texas Appellate Lawyer Award, Lynne Liberato has led teams in some of the most significant appeals and trials in Texas. She has argued before the United States Supreme Court, met with a former president in the Oval Office regarding judicial appointments, and lobbied Congress for funding of legal services for the poor. Whether before the highest levels of the three branches of government or at home in Houston, she dedicates herself to her clients, her profession, and her community.

Among other examples, she won reversal of a closely-watched public information act case before the Texas Supreme Court, won a summary judgment awarding her client \$21 million in an insurance coverage case and upheld in the 5th Circuit a take-nothing judgment in a multi-billion dollar False Claims Act and OCSLA appeal. In 2017, she represented the NFL during the Houston Super Bowl.

Lynne includes among her proudest achievements her selection as "Volunteer of the Year" for the United Way of Greater Houston, winning the Karen H. Susman ADL Jurisprudence Award, her election as president of the State Bar of Texas, and her selection as a participant in the 59th Annual Security Forum of the Air Force War College. She also served as the chair of the United Way Hurricane Harvey Recovery Task Force.

A prolific speaker and legal writer, Lynne co-authors "Summary Judgments in Texas," often called the "bible" of summary judgments. Versions of this article, which again was published in February 2019, have appeared in seven law reviews since 1989, and it has been recognized as one of the 10 most-cited articles by appellate courts nationwide.

RECOGNITION



Haynes and Boone Recognized in Best Lawyers in America 2020

Best Lawyers in America 2020 has featured more than 100 Haynes and Boone lawyers in its annual referral guide of outstanding lawyers throughout the U.S.



CHAMBERS



Haynes and Boone, LLP

Chambers USA Recognizes 55 Haynes and Boone Lawyers

More than 50 Haynes and Boone lawyers spanning 18 practice areas are featured in the 2019 edition of the *Chambers USA* legal directory published by Chambers & Partners.



OUR PEOPLE



United Way of Greater Houston Awards Lynne Liberato 'Rare' Honor

The United Way of Greater Houston has appointed Haynes and Boone Partner Lynne Liberato as Board Trustee Emeritus in recognition of her longtime contributions to the organization and its



PROFESSIONAL RECOGNITION

Recognized by the Texas Bar Foundation for the 2019 Gregory S. Coleman Outstanding Appellate Lawyer Award (2019)

Recognized as a "Local Litigation Star," *Benchmark Litigation*, Euromoney Institutional Investor, PLC (2019)

Louise B. Raggio Award, The Women and the Law Section of the State Bar of Texas (recognizing an attorney who has actively addressed the needs and issues of women in the legal profession and the community) (2018)



SELECTED PUBLICATIONS AND SPEECHES

"Summary Judgments in Texas: State and Federal Practice," 605 S.Tex.L.Rev. 1, (Spring 2019).

"The Ethics of Dealing with Opposing Counsel in a Contentious World," moderator, Texas Association of Civil Trial and Appellate Specialists Meeting, January 17, 2019.

Keynote Address, Naturalization Ceremony (for 2,204 new Americans from 116 countries), United States District Court for the Southern District of Texas, Dec. 12, 2018.

"Objecting to Summary Judgment Evidence in State Court: Recent Clarifications and Remaining Complications," co-author, *Houston Lawyer*, October 19, 2018.

"Summary Judgment in Collections Cases," presenter, Handling Your First (or Next)



PROFESSIONAL AND COMMUNITY ACTIVITIES

President, State Bar of Texas (2000-2001)

President, Houston Bar Association (1993-1994) (first woman)

President, Texas Supreme Court Historical Society (2011-2012)

Certificate of Appreciation (for her ongoing role in disaster recovery on behalf of the United Way of Houston, including chair of its Hurricane Harvey Recovery Taskforce, 35th Annual Governor's



NEWSROOM

Haynes and Boone Featured in 2020 Best Lawyers in America Guide 08/15/2019

Lynne Liberato in The Houston Lawyer: A Profile in Professionalism 05/22/2019

United Way of Greater Houston Awards Lynne Liberato 'Rare' Honor 04/25/2019









Haynes and Boone Wins Broad Recognition in Chambers USA 2019 04/25/2019

Judge David Hittner, Lynne Liberato Publish Updated Summary Judgment Guide in



REPRESENTATIVE MATTERS

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- T&T Offshore, Inc. v. Lightering LLC et al., No. 3:18-cv-265 (S.D. Tex. 2019) 
- Lightering LLC v. Teichman Group, LLC, No. H-17-3374 (S.D. Tex. July 16, 2018) 
- Exxon Mobil Corp. v. Starr Indemnity & Liability Insurance Co., et al.(5th Cir. 2018) 
- Helix Energy Solutions Group, Inc. v. Kevin Gold, 522 S.W.2d 427 (Tex. 2017) 
- The Board of Regents of the University of Houston System v. South Texas College of Law Houston, No. 4:16-CV-01839 (S.D. Tex. March 15, 2017) 
- Abbott v. BP Exploration & Production, Inc., 851 F.3d 384 (5th Cir. 2017) 
- Tanguy v. West, 516 S.W.3d 13 (Tex. App.—Houston [1st Dist.] 2016, pet. denied) 
- State Fair of Texas v. Riggs & Ray, P.C., 2016 WL 4131824 (Tex. App.—Dallas Aug. 2, 2016, no pet.) 

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Nominations for SBOT Judicial Selection Commission Appointment

Notes for presentation:

HB 3040

The Legislature passed HB 3040 to provide for an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected:

The Commission consists of 15 members:

- 4 appointed by the Governor
- 4 appointed by the Lt. Governor (with certain directions)
- 4 appointed by the Speaker of the House (with certain directions)
- 1 appointed by the Chief Justice of the Texas Supreme Court
- 1 appointed by the Presiding Judge of the Texas Court of Criminal Appeals
- 1 appointed by the Board of Directors of the State Bar of Texas

The Commission's charge is to submit to the Governor and Legislature no later than December 21, 2020 a report of their findings and recommendations for the method or methods for selecting for office judges that ensure a fair, impartial, qualified, competent, and stable judiciary, including recommendations for any necessary specific constitutional and statutory changes.

Criteria

Based upon the others chosen to make appointments, the Committee felt that the Legislature was looking to the State Bar to appoint a practicing attorney, not a judge. To assist the Administration Committee, it developed some broad criteria as guidance in considering potential practicing attorneys as appointees:

1. Must be a member in good standing of the State Bar of Texas who has practiced for over ten (10) consecutive years preceding their selection in any type of court setting, or who has other demonstrated expertise regarding the judicial system in Texas;
2. Must not currently be active on the issue of judicial selection in Texas; and
3. Must not currently be serving in any official judicial capacity.

[2 Directors were nominated, however, the Committee felt it should be someone outside the Board of Directors]

Summary and Recommendation

We received 15 nominations and choosing one was difficult task. We had several nominees more than qualified to serve and the State Bar would be well represented by any one of them. The Committee was tasked with choosing only ONE name.

After discussion and consideration, the Committee is pleased to recommend Lynne Liberato as our recommendation to this Board for the State Bar's Appointee to the Judicial Selection Commission.

Lynne's resume and letter are included in your materials. I hope everyone has had a chance to review those.

Chair Alexander – The Administration Committee is pleased to recommend Lynne Liberato to this Board as the State Bar's appointee to the Texas Commission on Judicial Selection.

[Note -does not need a second since a recommendation from a Committee]

Following is the list of nominees, if needed:

1. **Paul Yetter** – nominated by Judge Randy Clapp - 7/29/19
2. **Neil D. Kelly** – nominated by Jarrod Foerster – 7/29/19
3. **Yolanda Cortes Mares** – self nominated District 8 Director and called first - 7/29/19
4. **Judge Martin Hoffman** - nominated by Director Jason Smith and Director Michael Hurst – 7/29/19
5. **Marcy Greer** – nominated by Adam Schramek – 7/31/19
6. **Jody Johnson** – nominated by Kathryn Murphy – 8/1/19
7. **Ryan Dry** – nominated by Victor Flores – 8/2/19
8. **Inger Candler** – nominated by Kate Bihm and David Sergi – 8/5/19
9. **Beau Sinclair** – nominated by Christina Davis – 8/7/19
 - a. highest ethical standards.
10. **Bill Jones** – nominated and by James Wester – 8/7/19 (nomination withdrawn)
11. **Lynne Liberato** – name was mentioned as a possibility – nominated by Randy Sorrels – 8-13-19
12. **Martha Dickie** - name was mentioned as a possibility – added by James Wester
13. **Michael C. Smith** – nominated by Judge Xavier Rodriguez – 8/14/19
14. **Kim Askew** – nominated by Jerry Alexander – 8/15/19
15. **Joe Escobedo, Jr.** – nominated by Luis Cardenas and Deborah Cordova – 8/16/19