

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 06-9167

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## ORDER APPROVING AMENDMENTS TO STATE BAR RULES (ARTICLES I, II, AND IV)

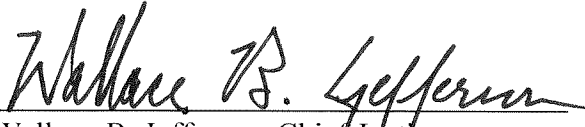
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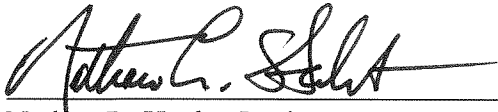
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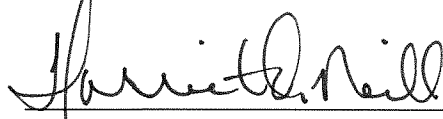
It is **ORDERED** that:

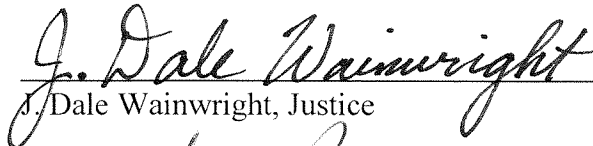
1. The following amendments to the State Bar Rules, which were approved by the State Bar Board at a regularly called and posted meeting on June 22, 2005, are hereby approved by the Court.
2. These changes, with any modifications made after public comments are received, take effect March 31, 2007. Comments may be submitted to the Court in writing on or before March 1, 2007, and should be directed to: Jody Hughes, Rules Attorney, P.O. Box 12248, Austin TX 78711, or may be emailed to him at [jody.hughes@courts.state.tx.us](mailto:jody.hughes@courts.state.tx.us).
3. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each elected member of the Legislature; and
  - d. cause a copy of this Order to be posted on the website of the Supreme Court of Texas at <http://www.supreme.courts.state.tx.us>.

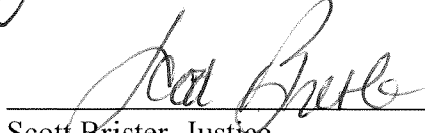
In Chambers, this 18th day of December, 2006.

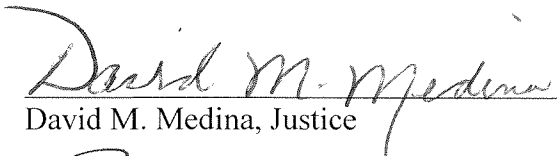
  
Wallace B. Jefferson, Chief Justice


  
Nathan L. Hecht, Justice

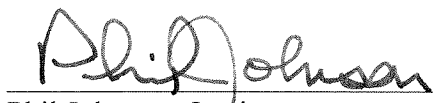
  
Harriet O'Neill, Justice

  
J. Dale Wainwright, Justice

  
Scott Brister, Justice

  
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

  
Don R. Willett, Justice

## Article I – Definitions

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4. “Act” means the State Bar Act, Chapter 510, Acts of the 66th Legislature of Texas, Regular Session, 1979, being also Senate Bill No. 287 as passed by the 66th Legislature of Texas, Regular Session, 1979, and signed by the Governor on June 11, 1979, currently codified at Title 2, Subtitle G, Chapter 81 of the Texas Government Code ~~and being also Article 320a-1, Vernon's Texas Civil Statutes as revised~~ and as it may be amended.

## Article II—General Provisions

...

### Section 14. Procedures for Meetings

(A) All proceedings at meetings of the State Bar, of the board, of the executive committee and of all other committees and sections shall be governed by the most recent edition of Robert's Rules of Order Newly Revised.

...

## Article IV—Administration

### Section 1. Board of Directors; Duties

(A) The State Bar shall be governed by a board which shall enforce the Act and these Rules.

(B) The term of office for each elected, ~~and public, and minority~~ director shall be three (3) years. The terms of ~~such elected and public~~ directors shall be staggered with one-third (1/3) of such directors elected or appointed each year. The terms of minority directors shall be staggered with as near to one-third (1/3) as possible appointed each year.

(C) The regular term of office of an elected, ~~or public, or minority~~ director shall commence on adjournment of the annual meeting of the State Bar next following election or appointment and continue until the adjournment of the third annual meeting next following election or appointment.

...

### Section 3. Composition of the Board

The board shall be composed of the officers of the State Bar, the president, president-elect, and immediate past president of the Texas Young Lawyers Association, not more than thirty (30) members of the State Bar elected by the membership from their district as may be determined by the board, six (6) persons who are not licensed attorneys, known as public directors, who do not

have, other than as consumers, a financial interest in the practice of law , and four (4) minority directors appointed by the president and confirmed by the Board . The Board may, in its discretion, also include other members who shall be non-voting board members.

...

## **Section 5. Qualification of Officers and Directors**

(A) No person may serve as an officer or director who,

...

(5) ... as to an elected director, has his principal place of practice in the same county as the last preceding director from that district, except for an elected director in a Metropolitan County or in El Paso County, and except as necessary to achieve a rebalancing of the sizes of the Board classes in accordance with the provisions of Art. IV, §8(C).

...

(8) ... as to a director, ~~fails to attend without good cause, any two (2) consecutive regular meetings of the board or any four (4) meetings of the board~~ is absent from more than half of the regularly scheduled board meetings that the director is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

...

(11) ...as to a director or a director's spouse, is an officer, employee, or paid consultant of a Texas trade association in the field of board interest as defined in State Bar Act §81.028.

...

(C) The board shall provide a training program for board members that meets the requirements of §81.0201 of the State Bar Act. No person who is elected or appointed to and qualifies for office as a member of the board of directors may vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with the requirements of §81.0201 of the State Bar Act.

...

## **Section 8. Director Vacancies and How Filled**

(A) Death of a board member, judgment of incompetency, a board member's resignation or any failure to qualify shall create a vacancy. In case of a vacancy in as to an elected directorship, the president, shall appoint a member whose principal place of practice is within the district within which the vacancy has occurred ~~to serve until the next annual election of directors~~. Vacancies in ex officio directorships shall be filled by the person who succeeds to the office in the State Bar or in the Texas Young Lawyers Association to which such directorship is incident, except that the directorship incident to the office of immediate past president of the State Bar or Texas Young

Lawyers Association or immediate past chairperson of the board of the State Bar shall be filled by the most recent holder of such offices respectively who is willing to serve. Vacancies in public and minority directorships shall be filled in the same manner and by the same authority designated by statute to fill such positions.

(B) Persons filling such vacancies shall meet the same requirements and shall qualify in the same manner as those assuming the office of director for the full term. ~~A person succeeding to an ex officio or public director vacancy shall serve the balance of the term of the particular directorship vacated.~~

(C) The board may adopt appropriate procedures for the purpose of equalizing the size of the classes of the board of directors. Once such equalization is accomplished, then those appointed to fill a vacancy shall serve the balance of the term of the particular position vacated.

(D) The board of directors may remove a director from the board at any regular meeting by resolution declaring the director's position vacant, pursuant to §81.027(a) of the State Bar Act or Article IV, §5 of these Rules.

#### **Section 9. Executive Committee**

(A) The executive committee of the board shall consist of the president, president-elect, the chairperson of the board, the immediate past president of the State Bar, president of the Texas Young Lawyers Association and such other persons as the board president may ~~designate~~ appoint. The president shall be chair person, and the board chairperson shall be the vice-chairperson of the executive committee and he shall preside in the chairperson's absence.