

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 99-9035

In Re Referendum '98 ORDER

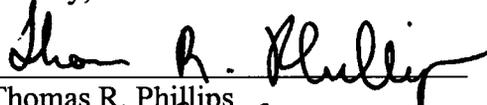
Section 81.024(a-g) of the State Bar Act provides that this Court may amend the rules governing the State Bar with the approval by referendum of a majority vote of the members of the State Bar, subject additionally, to at least 51% of the registered members of the State Bar casting ballots. This section also provides that the referendum vote will be open to inspection. Further it provides that in the event the referendum is valid and the amendments are approved, the Court must promulgate the amendments.

Referendum '98 was recently conducted by the State Bar under the Court Orders 98-9105 through 98-9112 dated July 1, 1998. The State Bar has reported that a majority of those voting in the Referendum approved the proposed rule amendments and that over 51% of the registered members of the State Bar cast ballots. However, the Court has received a complaint about the procedures used by the State Bar of Texas in conducting Referendum '98.

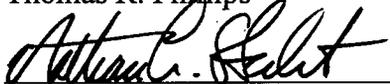
Consequently, prior to promulgating the amendments, the Court hereby appoints Judge John F. Onion Jr. as special master to inquire into (1) whether the ballot count was closed "at the end of the 30-day period following the date the ballots are mailed", (2) whether any ballot that was received more than 30 days after it was mailed was counted, (3) whether the ballot count excluded multiple ballots cast by any State Bar member, (4) whether ballots were distributed other than by mail and, if so, how many were counted, and (5) whether any ballots cast by inactive members in contravention of Texas Government Code 81.053(a) were counted.

Upon conclusion of the inquiry, we ask Judge Onion to report his findings to the Court. We leave it to Judge Onion's discretion to determine the time, manner and setting for the inquiry. Additionally, he may hire a certified court reporter to record and transcribe any hearings held. The costs of Judge Onion's inquiry, including the reporter's services, are to be submitted to the Chief Justice. The Court will assess costs as it deems appropriate.

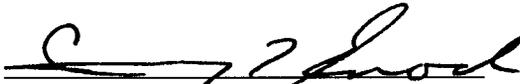
SIGNED this 10th day of February, 1999.



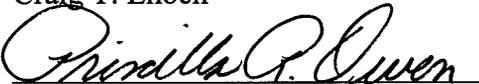
Thomas R. Phillips



Nathan L. Hecht



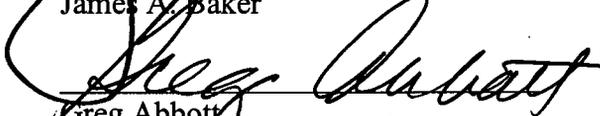
Craig T. Enoch



Priscilla R. Owen



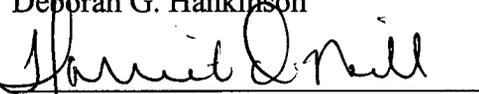
James A. Baker



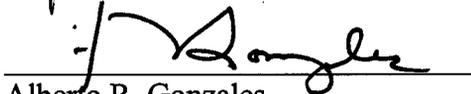
Greg Abbott



Deborah G. Hankinson



Harriet O'Neill



Alberto R. Gonzales