

ORDER OF THE SUPREME COURT OF TEXAS

STATE BAR REFERENDUM '98

The Supreme Court of Texas has considered the report of the Special Master appointed to make findings concerning certain complaints about the conduct of the State Bar of Texas Referendum '98, together with responses and replies to that Report.

The Special Master found that 1,288 new lawyers were considered by the Bar as eligible voters and were furnished referendum ballots. These 1,288 must be added to the total number of lawyers eligible to vote in determining whether 51% of the registered State Bar membership voted. Therefore, the total number voting (31,995) failed to reach the 51% of 63,267 required by Texas Government Code 81.024(d). In the alternative, if the new lawyers are not counted in the total membership, votes of the 340 new lawyers who voted in the referendum cannot be counted to achieve 51%. Other complaints need not be addressed.


The Supreme Court concludes that the referendum failed to satisfy the requirements of Texas Government Code 81.024(d). Therefore, the Court declines to promulgate the amendments to the State Bar Rules, the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure which were submitted in the referendum.

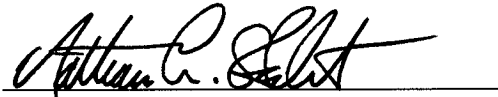
The State Bar of Texas is directed to pay within thirty (30) days the following expenses of the Special Master:


Special Master's	\$1,600.00
Compensation - 5 Days.	
Court Reporter.	1,235.19
February 16, 1999	51.33
conference call.	
TOTAL	<u>\$2,893.52</u>


Justice Enoch did not participate in this decision.

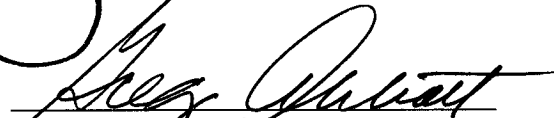
In Chambers, this 21st day of June, 1999.

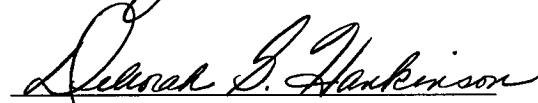

Thomas R. Phillips, Chief Justice

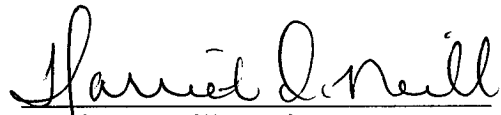

Nathan L. Hecht, Justice



Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill, Justice


Alberto R. Gonzalez, Justice