

THE WOMEN'S ADVOCATE A CATALYST FOR 2003

Women and the Law Section Newsletter
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COUNCIL TERMS EXPIRING 2003

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MESSAGE FROM THE CHAIR

Dear Women and the Law Section Members:

As we prepare for the end of the year, I realize we have much left to accomplish. We are organizing our annual Women's Advocacy Project fund raiser. This effort is being coordinated by Council Member Ronnie Harrison. The Awards Committee, lead by Council Member Sherry Wetsch, is reviewing nominations for the Sarah T. Hughes and Ma'at Justice Awards. Chair-Elect Judy Ney and Council Member Jennifer Rustay have been working to make our annual meeting a successful event. The annual meeting will honor our 2003 Sarah T. Hughes and Ma'at Justice award recipients and feature a CLE presentation by Nancy Rapoport, Dean of the University of Houston Law Center. The annual meeting will take place during the SBOT Annual Convention in Houston, on Thursday, June 13, 2003, 3:00 p.m. to 5:00 p.m., at the George R. Brown Convention Center, 1001 Avenida de las Americas. April 30, 2003 will be our final Council meeting before the June annual meeting. At the April meeting the Nominating Committee, lead by Chair Elect Judy Ney, will present the proposed slate of Council members for the next year (this newsletter includes the proposed slate for the 2003-2004 bar year). All members will have an opportunity to vote on the slate during the annual meeting.

In addition to completing activities for this year, we must begin to plan for next year. If you have not already done so, please renew your membership. Also, consider why you are a member of the Women and the Law Section and what you expect of your organization. Then, let your Council members know.

I look forward to seeing each of you in June at the annual meeting in Houston. Until then, take care.

—Misty

NOMINATING COMMITTEE REPORT AND NOTICE OF ELECTION

The Women and the Law Section's 2003 Nominating Committee, led by Chair-Elect Judy Ney, recommends the candidates listed below for election to the Women and the Law Section Council for the 2003-2004 Bar Year. Christy Drake-Adams, Sherry Wetsch, and D'Metria Benson served on the committee. The election will be held at the Section's Annual Meeting on Thursday, June 12, 2003, 3:00 - 5:00 p.m., at the George R. Brown Convention Center in Houston during the SBOT Annual Meeting.

OFFICERS

Chair	<i>Judy Ney</i> (Houston)
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Vice-Chair of Newsletter	Lisa Smith (San Antonio)
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Chronologist	Suzanne Duvall (Dallas)
Immediate Past Chair	<i>Misty Ventura</i> (Dallas)
Emeritus Voting Member	<i>Louise B. Raggio</i> (Dallas)

COUNCIL POSITIONS EXPIRING 2005

Ronnie Harrison	(Houston)
Charlotte Harper	(Austin)
Carolyn Moore	(Lubbock)
Carmen Samaniego	(San Antonio)
Kathy Cannon	(Austin)

UNEXPIRED 2004 COUNCIL POSITION

Georgina Benavides (McAllen)

COUNCIL POSITIONS EXPIRING 2004

<i>Sherry Wetsch</i>	(Houston)
<i>Avo Stevens Butler</i>	(Sherman)
<i>Ralph H. Brock</i>	(Lubbock)
<i>Jennifer Rustay</i>	(Houston)

(Officers and council members in italics have already been elected or appointed to their positions in accordance with the Bylaws.)

WHO WAS THE FIRST WOMAN APPELLATE JUDGE IN TEXAS HISTORY?

by Susan Romero McMenamy, Chronologist

Her name is Judge Mary Lou Robinson, the current U.S. District Judge for the Northern District, Amarillo Division. To fully appreciate her accomplishments, it is essential to create an economic landscape of Amarillo and the Great Plains that she calls home. Amarillo, with a vibrant twenty-first century economy along Route 66, is surrounded by many famous “Old West” ranches. As many of the ranches are still working ranches, one can spot windmills, cattedrives and cowboys with cellphones (and sometimes helicopters) working the cattle. These ranches and associated feedlots produce approximately twenty-five percent of the nation’s and eighty-eight percent of Texas’ beef. Amarillo is also surrounded by one of the top ten natural gas producing districts in the country. It is quintessentially Texas-oil and cattle, but the area has also diversified to include heavy manufacturing, petrochemicals, Pantex (reportedly, the nation’s only nuclear weapons assembly and disassembly plant), and more recently it became a manufacturing center for Bell Helicopter. It is this magnificent part of Texas that first believed in the legal talents of Judge Mary Lou Robinson.

As a seventh grader, Judge Robinson decided that she wanted to become a lawyer. In our recent interview, she informed me that it is a little bit hard to say exactly why she wanted to become a lawyer because girls didn’t do that then (early 1940’s), and there were no lawyers in her family. However, at the root of her dream was a desire to make a difference in the lives of people. Judge Robinson stated, “I think I had a real sense that life wasn’t always fair, and while that couldn’t be remedied all together, there were things that the law and that lawyers could do that made things better for people who didn’t have the full advantages that society offered. And, it was intellectually challenging, too.”

Her dream became a reality as she graduated from Amarillo High School in 1944, attended Amarillo college and the University of Texas, and then proceeded directly to law school at the University of Texas from which she graduated at the age of twenty-three. While at the University of Texas Law School, she met and married her husband, A.J. Robinson. Their first jobs as attorneys were practicing together as Robinson and Robinson, Attorneys-at-law, first in Austin and then in Amarillo. When asked what kind of law they

practiced, she responded, “Anything that walked in the door, and anyone that we happened to meet that needed to do legal work. We did a little bit of criminal law, but not much. A lot of wills, lots of real estate matters, and litigation involving farmers particularly in this area.” The Robinsons enjoyed practicing together, but A.J. then became the District Attorney, and Judge Robinson continued to practice by herself until 1955.

In 1955, the newly created Potter County Court at Law appointed its very first judge. This “fifties” judge was the twenty-eight year old Mary Lou Robinson with a “new baby on her hip.” She also went on to become the mother of a total of three children. When she reflects on this era of her career, she emphasizes that she thinks it really speaks a lot for the commissioners of Potter County as it was a pretty unusual thing for the county to have done. Judge Robinson went on to be elected and re-elected judge of Potter County Court at Law, and elected and re-elected judge of the 108th District Court of Potter County, Texas, until her appointment in 1973 as an Associate Justice of the Court of Civil Appeals, making her the first woman appellate judge in Texas.

When asked who she would attribute to helping her become successful in gaining this position, Judge Robinson reflected on the value of friends. “I’ve had the same friends for many, many years....Friends help. Friends make a big difference. I’ve kept the same friends all of my life.” One of her friends, who has been a girlfriend since first grade, had become very active in statewide politics and was very helpful. She also remarked that, “I like to think that people thought I was doing a good job.”

She must have been doing a good job because in 1974, she was elected Associate Justice of the Court of Civil Appeals, and in 1977, she was appointed Chief Justice of the Court of Civil Appeals for the Seventh Supreme Judicial District. In 1978, she was elected Chief Justice of the Court of Civil Appeals for the Seventh Supreme Judicial District, and in 1979, President Jimmy Carter appointed her as a United States District Judge for the Northern District of Texas, Amarillo Division.

When asked how she came to the attention of President Carter, Judge Robinson attributes the nomi-

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**WHERE WILL YOU STAND WHEN THE ROLL IS TAKEN?
U. S. CONGRESSWOMAN SHEILA JACKSON LEE
DELIVERS KEYNOTE ADDRESS AT 20TH ANNUAL WOMEN'S LEGISLATIVE DAYS**

United States Congresswoman Sheila Jackson Lee, an esteemed member of the Women and the Law Section, delivered the keynote address at the 20th Annual Women's Legislative Days Conference held March 3-4, 2003, in Austin. Recognizing that "...a siege upon the rights of women and children..." is being waged with weapons ranging from inaction—like the failure to fund the Violence Against Women Act and no-child-left-behind programs, to hostility—like the current assault on Title IX, Congresswoman Jackson Lee asked a simple, urgent question: "Where will you stand when the roll is taken?" "Today," she said, "women are very far behind . . . [and] our voices must be heard." The Congresswoman urged the audience to make their voices heard at a Washington Women's March being planned for a future date.

After the keynote address, Samantha Smoot, Executive Director of Texas Freedom Network, Alberta Phillips, Editorial Writer and Columnist for the Austin-American Statesman, and Trish Merrill, Executive Director of Faith Partners, discussed *Religious Extremists and Their Influence on State Policies* during the Plenary Session Panel. Citing, as Ms. Phillips calls it, the "religious wrong's" past attempts to censor Texas school textbooks by removing photos of women carrying briefcases, complaining that slavery information is too harsh, and removing a drawing of a breast from a health textbook, the panel discussed the State Board of Education's continuing attempts to engage in such censorship even after the Texas Legislature forbade the Board from editing textbook content.

According to the panel, under the Legislative mandate the Board is permitted only to disapprove of factual errors, manufacturing specifications, and curriculum errors in textbooks they evaluate and select for Texas school children. But religious conservative Board members are using the legislative limitation to continue censoring textbook content by asserting that certain facts are inaccurate. Facts they have deemed *inaccurate* include the existence of acid rain and global warming. The panel decried this "dumbing down of Texas education" because it harms Texas children's academic preparation and dilutes their ability to compete on college entrance exams like the SAT.

A number of Women's Legislative Days workshops were also presented, including Pay Equity in the Workplace, Domestic Violence issues, and Funding Women's Health Care. The WAL Section co-sponsored the conference.

So, Section members, whether you are married or single, healthy or ill, the coach of your daughter's soccer team or a woman who played soccer in college; whether you are a woman of color or an Anglo woman, a victim of domestic violence or the friend of one, a professional who is paid fairly for her work or one who is worth less to her employer because of her gender; whether you are a mother with children in Texas schools or a woman with no children who pays taxes to support those schools; whether you are a native Texan who wants an educated, competitive populace or an adopted Texan who wants the same; whether you are a woman who believes women have the brains to make their own choices in life or a woman who wants her daughter treated that way—where will *you* stand when the roll is taken?

Will you stand on the side of active participation to stop the siege or will you sit on the side of passive observation? Where will your elected officials stand when the roll is taken? Do you know? Have you asked? And if you don't start taking a stand now on these important issues, how will you answer the women and children in your life later when they ask you why they stand where they do?

Reported by Deborah L. Ingraham, Immediate Past Chair and WAL Representative at Women's Legislative Days

TEXAS WOMEN LAWYERS HOLD ANNUAL MEETING AND CLE

On March 1, 2003, Texas Women Lawyers (TWL), a statewide bar association created to promote women's issues in the legal profession, held its Annual Meeting and CLE in Austin. The program profiled women lawyers who have risen to the top of the profession and also highlighted important legislative issues. Norma Cantu, University of Texas Law Professor and former Assistant Secretary of Education for Civil Rights in the Clinton Administration, spoke on Sex Discrimination in the Legal Profession, and Dell Computer Corporation Deputy General Counsel Cheryl Burtzel discussed what law firms can learn from a company.

Representative Martha Wong discussed her perspective as a new legislator representing the 134th District in Houston. University of Texas Law Professor Jane Cohen presented her thought-provoking research on Genetic Testing for Insurance and Employment Matters and Samantha Smoot, Executive Director of Texas Freedom Network (TFN), discussed bills filed this legislative session to amend the Texas Family Code with a provision for covenant marriages currently available in many churches. Statutory covenant marriages would include legally binding waiting periods and restrictions on divorce, even in domestic violence cases. Ms. Smoot also discussed bills filed to prohibit same-sex couples from adopting, fostering, or keeping children they have been fostering.

TFN is a statewide non-partisan organization that advances a mainstream agenda of religious freedom and civil liberties to counter the radical religious right. TFN also tracks textbook censorship by the religious right. Textbooks approved in Texas are sold in 25 other

states. Ms. Smoot underscored the importance of that fact with the example that text about the ice age was changed in a textbook to conform with the Bible's teachings about the age of the earth.

A panel discussion was then led by Vinson and Elkins Partner Paula Hinton focusing on ethics of law firms and law practice, State Bar rules to prohibit sex with clients, the Supreme Court Gender Bias Task Force, and what law firms are doing to promote women partners.

The informative program concluded with a presentation by Diana Phillips, Executive Director of Jane's Due Process, Inc., a non-profit organization that serves as a statewide information and advocacy center on the mechanics of the judicial by-pass process available to minors under the parental notification law. Ms. Phillips highlighted a bill filed in the Legislature this session that would change the current parental notification law to parental consent. Ms. Phillips explained that some young women she meets have no parents or do not know where their parents are, making consent impossible. The bill also contains a provision restricting venue of the judicial by-pass hearing to the minor's home county. Ms. Phillips noted that in small counties where everyone knows everyone else, the judicial by-pass confidentiality requirements would become extremely difficult to enforce if the bill becomes law.

For more information on Texas Freedom Network's current activities, go to www.tfn.org. For more information about Jane's Due Process, go to www.janesdueprocess.org. For more information about TWL, go to www.texaswomenlawyers.org.

AROUND THE STATE

This year marks a first when various women have fulfilled top leadership positions of the State Bar of Texas: Betsy Whitaker is President-Elect of the State Bar and Kim Askew is Chair-Elect of the Board of Directors.

The Lubbock County Women Lawyers' President, Merinda Condra hosted a party in her home for members of the association on April 4, 2003. Ms. Condra is also a sponsor of a German exchange student who is attending Lubbock High School this year.

The State Bar of Texas website paid homage to Ms. Louise Ballerstedt Raggio, a native Texan who

paved the way for women lawyers in Texas, with a feature article and plug for her new book. Ms. Raggio's recently-published memoir, "Texas Tornado: The Autobiography of a Crusader for Women's Rights and Family Justice," celebrates 50 years of practicing law in Texas.

In San Antonio, the Bexar County Women's Bar Association hosted its spring "Wills Clinic," where volunteer attorneys and staff worked together for a day, providing pro-bono services to senior citizens with limited income who are seeking probate documents, including wills, powers of attorney, directives to physicians, organ donations and guardian designations.

SUPREME COURT GENDER BIAS TASK FORCE UPDATE

The Supreme Court Gender Bias Task Force convened on September 28, 2002, and again on January 25, 2003. The Task Force this year has been reconstituted and is very well organized thanks to the leadership of Chair Paula W. Hinton. as a result of work performed at the September meeting, 1) Justice Harriet O'Neill became the new Supreme Court Liaison; 2) Justice Cheryl Johnson became the Court of Criminal Appeals Liaison; 3) an Order was prepared for the Supreme Court confirming the Task Force's membership and purpose, the Task Force's proposed name change from Gender Bias to Gender Fairness, and the appointment of co-vice-chairs Anna Mejia-Dietche and Kathy Tullos; 4) liaisons from the three judicial educational entities were confirmed; and 5) a Racial Bias Subcommittee was created to begin work on eradicating racial bias from the judicial process.

At the January meeting, Chair Paula Hinton reported that the Supreme Court rejected the Task Force's proposed name change from the Gender Bias Task Force to the Gender Fairness Task Force and the name will not be changed. The Racial Bias

Subcommittee led by Roland Garcia drafted an Order for the Supreme Court's consideration which appoints a Racial Bias Task Force to consider the nature and extent of racial bias in the Texas justice system. Task Force members also reported findings from the National Association of Women Judges on a number of pressing issues in states, including illegal custody or visitation awards to men not adjudicated the father in Minnesota, the repackaging of gender fairness information in a climate where concern about gender bias may be considered unimportant, a problem of guardian ad litem who are ignorant of or hostile to the impact of domestic violence on children, and a number of other issues. Also, Judicial Handbook Guidelines are being revised and the Bench Book Chapter on Domestic Violence is being evaluated.

The next Supreme Court Gender Bias Task Force meeting will convene on June 7, 2003. WAL's Task Force Liaison is Deborah L. Ingraham.

Reported by Deborah L. Ingraham
WAL Liaison to the Task Force

AROUND THE WORLD

International Bar Association: The World Women Lawyer's Conference, June 30-July 1, 2003, London, U.K.

The International Bar Association will hold its second World Women Lawyers Conference in London

this year. Showcase sessions will feature *The Role of Women in Conflict Resolution and the Economic Empowerment of Women*. For more information on the conference, see the IBA website at www.ibanet.org.

**THE MINUTES FROM THE PREVIOUS WOMEN AND LAW SECTION MEETING
MAY BE VIEWED ON THE ORGANIZATION'S WEBSITE:**

www.txwomenlawsection.org

nation to the emphasis that both Senator Bentsen and President Carter placed upon having a diverse group of judges. "There were a number of judges appointed at the same time I was appointed. But I think the willingness of those persons to look at women as professionals; look at women as persons who should be represented in the judiciary helped. I think it made a difference." When I pointed out that obviously her scholarly abilities as an attorney must have stood out, she was quick to state that neither Senator Bentsen nor President Carter were interested in appointing someone who was not qualified. "But, of course, there were many qualified people."

Alongside her legal accomplishments, Judge Robinson has continuously given back to her community through an amazing level of involvement in civic and church activities. Her civic activities have included many organizations devoted to dealing with young people. She was also an elder and deacon in the Presbyterian church and taught an adult Sunday school class. In the midst of all of these worthwhile endeavors, she was able to maintain the core values of spending time with her children and grandchildren as central in her life. When she looks back, she really isn't sure how she managed to get it all done. However, she states, "It wasn't that hard at the time," and she was "having a good time." She did have out of home care for her children for a short while, but then she always just had someone at her home all day long who would help take care of the children. The last person who stayed with her children stayed until the woman was no longer able to work in 1994. By then, she had become part of the family and helped Judge Robinson when the Judge's husband had become seriously ill for a period of time. It turned out to be a good arrangement for both women and to this day both stay in touch.

On the subject of balancing so many important interests, Judge Robinson reflected that she thinks it is really overstated the amount to which women have to sacrifice one aspect of their life for another. "I don't mean it is easy," she said, "not much that is fun to do or really good to do is easy.....well, maybe, we just have to adjust our priorities from time to time."

It is not surprising that Judge Robinson has also been the recipient of numerous awards and honors. Her most recent honors include being the 1997 Woman of Distinction by Soroptimist International of Potter and Randall Counties, a listing in Who's Who in America, a 1998 Career Achievement Award from Amarillo Women's Network, and in 2002, she was awarded the

Outstanding Fifty-Year Lawyer Award presented by the Texas Bar Foundation.

As Judge Robinson glances at the future of society from the perspective of a federal judge, she is encouraged and encouraging about the continuous stream of really bright, capable well-motivated young lawyers coming to work. "You hear a lot of things about society today, but when you see the type of people that come to work in the court, you know those things are going to work out because of the kind of people we have."

As our interview wound down to a few conclusory remarks, I first asked the Judge for some advice for those who might follow in her footsteps in hoping to provide a fairer world. She remarked, "I think if I were to suggest something, I don't mean to be trying to take on every problem all of the time, but if something seems to you to be wrong, don't be afraid to say so, and you may be surprised how many other people then speak up because somebody has spoken up in the first place. Someone needs to say something, someone needs to break the ice, but when you do, you probably won't be alone."

When asked if there was anything that she wanted recorded for posterity, she wanted to add this one reflection with certainty: "I have always hoped that I could conduct myself in such a way that makes matters easier for other women as they came along. I knew that if I made a serious mistake, that it would not be just Mary Lou Robinson who made that mistake; at times it would have been "women" who made that mistake. And there also came opportunities and will come opportunities to all of us to give a hand up or to appoint someone. It may be another woman, but it may be a member of a minority group or it may be someone who needs that type of encouragement. But those of us who have received so much encouragement from other people really have an opportunity to pass that along."

For further information and enjoyable reading about Judge Robinson's life and legal career, please see [Texas Wise Women Speak, Let Me Tell You What I've Learned](#), by P.J. Pearce, University of Texas Press, 2002. I would also like to acknowledge my grateful appreciation for the recent interview time and video recording that Judge Robinson granted on behalf of the Chronology Project by the Women and the Law Section of the State Bar. At the time she first granted an interview to P.J. Pearce in 2002, it is my understanding that she had not granted an interview in twenty years.

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