

# THE WOMEN'S ADVOCATE

## A CATALYST FOR 2005

Women and the Law Section Newsletter  
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### CHAIR'S CORNER

The holidays are over and spring is yet to come. What season is this? If you are in the legal profession it is the season of nominations. Many statewide legal organizations have opened nominations for awards recognizing extraordinary accomplishments in the legal profession. The Women and the Law Section is pleased to nominate individuals that have contributed to the profession and to society. In this volume you will find articles on **Mary Lou Robinson** and **Ann McClure**. These are women who have paved roads for others and are highly regarded by those who know them. We are pleased to have nominated them for recognition. Please take the time to read these short articles regarding the extraordinary accomplishments of these women.

February is also Black History Month and provides us the opportunity to reflect on the accomplishments of many extraordinary people. A wonderful and dear friend of mine, Ileta Sumner, has graciously allowed us to reprint one of her Black History Month Quiz's. Over the years I have learned much by challenging myself to take her annual quiz, and I have to say, I always learn something.

I have also spent much time over the last few months reflecting on the strides that women have taken in this profession, and I must boast for just a moment about the Fourth Court of Appeals. On January 1, 2005, Justice Paul Green left the Fourth Court of Appeals to take up his new position as a justice on The Supreme Court of Texas. I congratulate Justice Green on this accomplishment, but I am also struck by the current make up of the Fourth Court of Appeals located in San Antonio. The Fourth Court of Appeals is currently made up of **Chief Justice Alma Lopez**, **Justice Catherine M. Stone**, **Justice Sarah B. Duncan**, **Justice Karen Angelini**, **Justice Sandee Bryan Marion** and **Justice Phyllis J. Speedlin**. Yes, you read correctly... it is an appellate court made up entirely of female justices. It is women like these who have opened doors for all of us, and I sincerely appreciate the work that they have done.

We hope you enjoy receiving your newsletter electronically. Our hope is that this format will allow us to provide you with a timely newsletter providing you with useful information. If you desire to continue to receive this publication in hard copy please let our editor, Lisa Smith, know. Ms. Smith will make sure you receive you newsletter in paper format. We also invite our members to submit articles for publication in our newsletter. If you have written an article you would like to be published please submit it to Ms. Smith for consideration.

The Women and the Law section is currently developing it's 2005 annual CLE to be held in conjunction with the State Bar Annual Meeting. This year we are pleased to combine our efforts with several other sections. Our program will focus on organ donation, the legal issues surrounding those donations, and how differing segments of society have unique hurdles to overcome in dealing with this issue. This will be an informative and important CLE, and we hope you will all consider attending. More information about this CLE can be found in this issue.

Teresa A. Oxford  
Chair

## DALLAS WOMEN'S MUSEUM: FIRST LADIES

The Dallas Women's Museum played host to "First Ladies: Political Role and Public Image." The exhibit ran through February 13, 2005. The exhibit traced the role of first ladies throughout history.

In the beginning, women were ceremonial partners and occasionally international celebrities. Later, they became recognized political powers and reflections of their husband's presidential administrations.

"Their roles were determined partly due to the expectation of women at the time and of the woman's particular interest," said Lisa Kathleen Grabby, curator of the National Museum of American History in Washington, D.C.

The exhibit featured antiques belonging to famous first ladies. These included Martha Washington's necklace, Mary Todd Lincoln's silver tea service, and Eleanor Roosevelt's gown from the 1945 inaugural reception. Sarah Polk, wife of James Polk, president from 1845 to 1849, served as first lady during president Polk's move to annex Texas. Polk's inlaid writing box was featured at the Dallas exhibit. Laura Bush's dress, an Arnold Scassi gown, worn to the first state dinner for the president of Mexico, was shown only at the Dallas venue. So, too, was a favorite scarf worn by Lady Bird Johnson. An embroidered box belonging to Edith Wilson, wife of Woodrow Wilson, was displayed. Ms. Wilson

received the box when she traveled to France for the signing of the Treaty of Versailles after World War I in 1919. She was the first president's wife to travel abroad with her husband.

Each first lady left a special mark upon history, according to Grabby. Dolly Madison was a "glamorous and social hostess;" Francis Cleveland was the "Jackie Kennedy of the 19th Century;" Eleanor Roosevelt was "busy, concerned."

"Early on, first ladies were known for involvement with charities. Now, we expect at least one signature social cause," Grabby said, noting that Lady Bird Johnson was known for beautification while Hilary Clinton was known for championing health care and children's issues.

"We expect the first lady to reflect well upon the president's administration and to reflect his ideals," Grabby added.

While Hilary Clinton is known for keeping a high profile during her husband's tenure at the Oval Office, other first ladies have had a presence throughout history, as well.

"Abigail Adams fulfilled the role of political partner and served as a frequent advisor to her husband," Grabby said. "Roselyn Carter was an envoy on trips to Latin America and often attended cabinet meetings."

## WOMEN AND LAW SECTION SPOTLIGHT ON ACHIEVEMENT

### Justice Ann Crawford McClure and the Honorable Mary Lou Robinson

*Editor's Note: The Women and Law Section has nominated two outstanding women for annual bar awards. Justice Ann Crawford McClure of the Eighth Court of Appeals has been nominated for the Dan Rugely Price Memorial Award, and the Honorable Mary Lou Robinson has been nominated for the Samuel Pessarra Outstanding Jurist Award. Because we thought these women's achievements were so special, we wanted to share them with our readers.*

**Ann Crawford McClure** began practicing law in 1979 after graduating from law school at the University of Houston. While in practice, she prepared legal writings for, and spoke at, events sponsored by the El Paso Bar Association, Family Law Section of the State Bar, Advanced Civil Appellate Practice Seminar, Advanced Family Law Seminar, Judicial Conference, Women and the Law Section of the State Bar, Marriage Dissolution Seminar, South Texas College of Law, and Annual Meetings of the State Bar. In addition, she gave presentations to public schools about the law. She also served as a member of the Texas Board of Law Examiners, Texas Board of Disciplinary Appeals, Family Law Specialization Exam Commission, Continuing Legal Education Committee of the State Bar, Family Law Council of Com-

munity Property States. She was course director of the Law and Tactics Seminar as well as Family Law for the Experienced Non-Specialist, and she was assistant course director of an Advanced Family Law Seminar.

Prior to being appointed to the bench, Ann Crawford McClure received many honors. When Harriet Miers was President of the State Bar in 1993, she gave special recognition to Ms. McClure's volunteer work for the State Bar. Ms. McClure passed testing to become board certified in both family law (1984) and civil appellate law (1987). She was listed for years in Best Lawyers in America (family law) and in *Who's Who in America*, *Who's Who in American Law*, *Who's Who in American Women*, *Who's Who in the South and Southwest*, and *Who's Who in the World*.

Justice McClure assumed the bench on January 1, 1995. Since becoming a justice on an appellate court, she has continued to be a prolific author and lecturer. For example, she has written on such diverse topics as foreign law and foreign evidence, professional courtesies, preservation of error, findings of fact, equitable liens and reimbursement, proceedings under the Texas Parental Notification Statute and Rules, appellate tips, significant opinions in criminal law from her court, psychological testing and expert testimony. Her recent publications and speeches have been at the

Advanced Family Law and Civil Appellate Practice Seminars, the Marriage Dissolution Institute, a Conference of County and District Clerks, a Judicial Conference, and Annual Meetings of the State Bar of Texas.

Justice McClure has received many honors while serving as an appellate judge. In 1996, the Boy Scouts of America Yucca Council presented her with the Extra Miler Award; in 1998, W. Frank Newton, then President of the State Bar, gave her the State Bar of Texas Presidential Citation; in 1999, Women in Law at Texas Tech University School of Law honored her; the NAACP of El Paso gave her a civil rights award; and Texas Christian University named her a distinguished alumna. In 2000 the Black El Paso Democrats selected her to receive their community service award, the Family Law Section of the State Bar named her as the recipient of the Dan R. Price Award, and our section presented her with our most distinguished honor, the Sarah T. Hughes Award. In 2002, the Texas Academy of Family Law Specialists gave her the Judge Sam Emison Award. In 2004 both the El Paso Young Lawyers Association and the Texas Center for Legal Ethics and Professionalism presented her with professionalism awards. The Texas Chapter of the American Academy of Matrimonial Lawyers named her Jurist of the Year.

Justice McClure is currently the editor of the El Paso Bar Bulletin and editorial consultant with Matthew Bender, publisher of Texas Family Law Practice and Procedure. She is a former editor of the Family Law Forum as well as former contributing editor of Law West of the Pecos. She is former contributing editor of Bancroft-Whitney's Texas Family Law Service and former articles editor of the Texas Family Law's section reports.

Justice McClure is on the Governor's Task Force on Indigent Defense, is a member of the Texas Judicial Council, is a member of the Texas Board of Legal Specialization Civil Appellate Law Advisory Commission and has been a member of the Supreme Court Rules Advisory Committee, chairing the Supreme Court Special Subcommittee on Implementation of Chapter 33 of the Texas Family Code.

Justice McClure maintains membership in the American Bar Association, Texas Academy of Family Law Specialists, Texas Bar Foundation, State Bar College of Texas, and various sections of the State Bar and El Paso Bar Association.

Members of the Women and the Law Section have long recognized the contributions of this very hard working justice. Members have also seen her at various bar functions, where she spoke about the law and was accompanied by both her husband and son as she traveled across Texas to do volunteer work. They also recognize that she is also actively involved with her stepdaughter.

During the year 2005, **Judge Mary Lou Robinson** will celebrate 50 years of service as a judge. She began her

career on the bench in 1955, when the Potter County Commissioners appointed her to be the first judge of the Potter County Court of Law. She was elected judge of that court in 1956 and reelected in 1958. In 1960, she was elected as judge of the 108th District of Potter County, Texas, winning reelections until she was appointed associate justice of the Seventh Court of Civil Appeals in Amarillo in 1973, making her the first woman appellate judge in Texas. In 1974, she was elected to that court, and in 1977 she was appointed chief justice of the court, making her the first female chief justice in Texas. She won election as the chief justice in 1978. In 1979, President Jimmy Carter appointed her to be United States District Judge for the Northern District of Texas, Amarillo Division. Although eligible to elect senior status, she continues to serve on active status. According to the January 3, 2005 edition of the *Texas Lawyer*, her docket is current with no motions pending more than six months and no civil cases pending more than three years.

Judge Robinson graduated from The University of Texas Law School in 1950. She remained in Austin for a time, practicing law with her husband, A. J. Robinson. Later they moved to Amarillo and continued practicing law together. When Judge Robinson's husband, who is now deceased, became district attorney, she practiced law by herself until, at age 28 and the mother of three young children, she was appointed to the bench.

In an interview conducted by Susan McMenemy in 2003 as part of the Chronology Project of the Women and the Law Section, Judge Robinson explained that she decided she wanted to be a lawyer when she was in the seventh grade because she had a sense that "life wasn't always fair, and while that couldn't be remedied all together, there were things that the law and lawyers could do that made things better for people who didn't have the full advantages that society offered." In the interview, she credited both Senator Lloyd Bentsen and President Carter with her appointment, saying they had the vision to look at not only women, but also at people with different backgrounds, as nominees for federal judgeships.

Judge Robinson has received many honors during her tenure as an attorney and judge. In 2002, the Texas Bar Foundation named her as an Outstanding Fifty-Year Lawyer. She was given the Career Achievement Award from Amarillo Women's Network in 1998. Almost thirty years prior, the Texas Federation of Business and Professional Women selected her as Texas Woman of the Year in 1973.

Judge Robinson has been active in community affairs. She taught Sunday school and served as an elder in the Presbyterian Church. She presided over a board in 1975 that furnished a temporary home for troubled youngsters, worked with Boy Scouts of America, and participated in an advisory committee for the YWCA. During the mid 1970's, she was president of the Amarillo Business and Professional Women's Club, and she served as consultant on equal

legal rights to the State Board of the Business and Professional Women's Club.

Judge Robinson's accomplishments in law are many. She served as federal liaison to the Board of Directors of the State Bar of Texas and on behalf of the Judicial Council of the Fifth Circuit. She has presided over many civil and criminal trials in federal court. One of the more famous cases receiving nationwide media coverage was the defamation case brought by cattlemen against television personality Oprah Winfrey.

Another notable case, *Farmer v. Sherrod*, deserves special mention. Judge Robinson took the rare action of enjoining a state criminal prosecution. The case was brought as a RICO action, and she issued a temporary injunction against two state district attorneys to prevent them from prosecuting Millard Farmer and two Lubbock policemen who had been indicted on fabricated charges after Farmer and the officers discovered official misconduct on the part of the infamous Ralph Erdman, M.D., and a cover-up by the state prosecutors. This courageous decision brought an end to the use of Dr. Erdman's perjured medical testimony in hundreds of state criminal cases throughout West Texas and the Panhandle.

## AROUND THE STATE

The Lubbock County Women's Lawyers Association hosted Lubbock attorney Merinda Condra whose presentation addressed the procedures for handling international adoptions. Ms. Condra recently completed her own international adoption of a child from Eastern Russia. Her discussion explained how international adoptions involve complying with foreign national and regional governments as well as Immigration and Naturalization Service requirements and state laws in the United States. Ms. Condra made two trips to Russia before the adoption process was complete and she was permitted to bring her adoptive daughter into the United States.

As a result of her own experience, Ms. Condra started Adoption Covenant ([www.adoptioncovenant.com](http://www.adoptioncovenant.com)), a non-profit, 501 (c)(3) licensed adoption agency that assists in international adoptions from Russia, Tajikistan, and Kazakhstan. Adoption Covenant also handles Texas adoptions.

The Mexican American Bar Association of Texas and the Hispanic Bar Association of Austin hosted "2005 Legislative Day" on January 25, 2005. Speakers included: Hon. David Dewhurst, Lieutenant Governor; Hon. Pete Gallego, Chair, MALC; Hon. Juan "Chuy" Hinojosa, Chair, Senate Hispanic Caucus.

On January 26, 2005, the Association of Women Attorneys of Houston hosted Marcy Rothman of Baker & Hoestetler, who spoke on "Post-Enron Ethical Considerations for Corporations and Their Outside Counsel." For more information, see [www.awahouston.com](http://www.awahouston.com).

On Feb. 23rd, 5:30 - 7:30 p.m., the AWA hosted a Wine & Cheese reception with women law student organizations from Houston area law schools at the Empire Room in the Rice Lofts.

On March 23rd, 5:30 - 7:00 p.m., the AWA will feature Richard Melamed, Esq., speaking on "What Every Lawyer Should Know About Residential Landlord/Tenant Law" at La Griglia, 2002 West Gray. For more information visit

[www.awahouston.com](http://www.awahouston.com) or contact Janet Schafer at [janet.schafer@cityofhouston.net](mailto:janet.schafer@cityofhouston.net).

The Travis County Women Lawyers' Association held the annual Pathfinders Luncheon on January 26, 2005. TCWLA honored Nancy Hohengarten, Judge for County Court at Law No. 5; Toni Hunter, Gray & Becker, P.C.; Beth Ozman, Chief Litigation Counsel for Advanced Micro Devices, Inc. On February 16, 2005, TCWLA hosted Dr. Jim Hoffman, Texas Tech University, economic loss analyst. Mr. Hoffman will present a discussion, "How to Challenge Your Opponent's Expert." Details at [www.twcla.org/calendar.html](http://www.twcla.org/calendar.html).

The Women in the Profession Committee has received a grant in the amount of \$7,000 from the State Bar of Texas Foundation for research and writing a booklet on the history of women attorneys in Texas. This money gives WPC a start, but is not sufficient to get the job done. Does anyone know of any other sources of funds who might be interested in this project? If so, contact Ellen Grimes, 2727 Allen Pkwy, Suite 1800, Houston, TX 77019. 713-524-2453.

The Bexar County Women's Bar Foundation raised more than \$61,000 at the 22nd annual Bench Brunch and distributed money to more than nine local charities in December of 2004.

The Bexar County Women's Bar Association has expanded its service to indigent residents of Bexar County. In the past, BCWBA has hosted a bi-annual wills clinic, providing pro bono legal representation for low income residents of Bexar County who require a will. In 2004, the clinic expanded and now provides services at a two-hour monthly clinic, operated in conjunction with the San Antonio Bar Foundation's Community Justice Project.

The Bexar County Women's Bar Association has also expanded its GALs' program. Historically, the GALs' program has seen BCWBA members teach a 12 week life skills class to at-risk girls in local middle schools. In March, this

program will go into the Krier Center. The Krier Center houses 24 girls who are within the juvenile justice system who have committed to a year-long education and counseling program to improve their lives.

The El Paso Bar Association presented its 9th Annual Civil Trial Seminar at Bally's Las Vegas, Nevada on February 4 and 5, 2005. Details are available at [elpasobar.com](http://elpasobar.com).

## **SARAH T. HUGHES AWARD NOMINATIONS SOUGHT**

In 1992, the State Bar of Texas Women and the Law Section established the Sarah T. Hughes Award. This award honors the accomplishments of women who have achieved outstanding recognition in their professional area and who, by doing so, have paved the way for success for other women attorneys. The award criteria honor women attorneys who have achieved excellence in their respective fields and have:

- Influenced other women to pursue legal careers, or
- Opened doors for women lawyers in a variety of job settings that historically were closed to women, or
- Advanced opportunities for women within a practice area or segment of the profession, or
- Have otherwise served their profession and community in a manner which has benefited the legal profession.

The award will be presented during the Section's annual meeting on June 24, 2004.

Nominations, no longer than five typewritten pages, should be mailed to: Sarah T, Hughes Award, c/o Kathy Casarez, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711.

Nominations must be received by April 18 , 2005.

## **MA'AT JUSTICE AWARD NOMINATIONS SOUGHT**

Ma'at the Egyptian goddess of justice, symbolizes truth, order, righteousness, and the emergence of order out of chaos. The State Bar of Texas Women and the Law Section established the Ma'at Justice Award in 1995 to recognize and celebrate individual attorneys or an association of attorneys who have contributed to the furtherance of justice in our society. Every year the Section awards the Ma'at Justice Award to an individual or association who has actively addressed the needs and issues affecting women both in the legal profession and in the community.

Nominations, no longer than five typewritten pages, should be mailed to: Ma'at Justice Award, c/o Kathy Casarez, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711.

Nominations must be received by April 18, 2005.

### **A CALL FOR NOMINATIONS**

The SBOT Women and the Law Section is currently seeking nominations for the 2005-2006 year. If you are interested in being nominated, or would like to nominate someone for an officer or council position with the SBOT Women and the Law Section, please contact Mara Blatt at (915) 534 -6884 or [marablatt@aol.com](mailto:marablatt@aol.com).

## BLACK HISTORY MONTH QUIZ

by : ileta A. Sumner

San Antonio, Texas

Every year as I prepare this quiz, I learn so much. I hope you too will like this a little and learn a lot.

**(answers are at the end of the quiz)**

1. Who was the first Black artist ever signed to a featured player contract by a major movie studio?
  - A. Bill "Bojangles" Robinson
  - B. Lena Horne
  - C. Paul Robeson
  - D. Hattie McDaniel
2. Who was the first Black playwright to win a Pulitzer Prize for a play?
  - A. Charles Gordone
  - B. Lorraine Hansberry
  - C. Richard Wright
  - D. Paul Robeson
3. Who was the first Black actress pictured on the cover of a movie magazine?
  - A. Eartha Kitt
  - B. Ethel Waters
  - C. Dorothy Dandridge
  - D. Lena Horne
4. Who was the second Black leader to receive the Nobel Peace Prize?
  - A. Ralph J. Bunche
  - B. Chief Albert J. Luthuli
  - C. Rev. Dr. Martin Luther King, Jr.
  - D. Archbishop Desmond Tutu
5. Who held the heavyweight boxing championship of the world longer than anyone else did?
  - A. Muhammad Ali
  - B. Sonny Liston
  - C. Mike Tyson
  - D. Joe Louis
6. Who hit the longest home run ever documented?
  - A. Hank Aaron
  - B. Jackie Robinson
  - C. Josh Gibson
  - D. Willie Mays
7. In 1950, Ralph J. Bunche was the first Black to receive the Nobel Peace Prize. For what achievement did he receive this honor?
  - A. For successful mediation of the Israeli-Palestinian conflict.
  - B. Because he organized the Joint Committee on National Recovery to lobby Congress for black participation in New Deal programs and to fight against racial discrimination in New Deal agencies.
  - C. Because Bunche helped draft the trusteeship provisions of the U.N. Charter and assisted in organizing the Division of Trusteeship at the United Nations, becoming its director in 1947.
  - D. Because he was named Under-Secretary to the U.N. and directed U.N. peacekeeping missions in the Congo.

8. Who was the first Black elected mayor of a major US city?
- A. Maynard Jackson
  - B. Willie Brown
  - C. Carl Stokes
  - D. Richard Hatcher
9. Which one of the following inventors is NOT inducted in the National Inventors Hall of Fame?
- A. George Washington Carver
  - B. Madame C.J. Walker
  - C. Percy Julian
  - D. Mark Dean
10. Which of the following did a Black man invent?
- A. Foil - Electric Microphone
  - B. Fax Machine
  - C. Digital Phone
  - D. DVD Player

1. B. Lena Horne 2. A. Charles Gordone in 1970 for No Place to Be Somebody 3. D. Lena Horne, Motion Picture Magazine 4. B. Chief Albert J. Luthuli of South Africa in 1960 5. D. Joe Louis for 12 years 6. C. Josh Gibson, 580 feet in 1937 at Yankee Stadium 7. While all of the statements are true about Mr. Bunche, the first Black to earn a Ph.D. in Government and International Relations, A. is the reason he received the Nobel Peace Prize 8. Trick Question: both C. (Cleveland, OH) & D. (Gary, Indiana) were elected on November 7, 1967 9. B. Madame C.J. Walker, inventor of the "hot comb" which revolutionized the beauty industry by allowing women with tightly curly hair to straighten it is not included in the Hall of Fame. Percy Julian created physostigmine that improves memory in Alzheimer patients and is an antidote to nerve gas & Mark Dean was developer of "ISA systems bus" which allows multiple devices, like a printer and a modem, to be connected to a computer 10. A. invented by James West during the '60s.

## ON THE MOVE

Judge M. Sue Kurita of El Paso County Court at Law No. 6 has been elected vice president of the National Association of Women Judges, NAWJ. The NAWJ provides judicial leadership to ensure fairness and gender equity in American courts. Member judges hail from appellate, trial, tribal, administrative, state, and federal courts in every state. Through judicial education and communication, the NAWJ promotes equal access to justice for vulnerable populations. The organization strives to: ensure equal justice to the courts for women, youth, the elderly, minorities, the underprivileged, and people with disabilities; provide judicial education; increase the number of women on the bench in order for the judiciary to accurately reflect the role of women in a democratic society; and improve the administration of justice to provide gender-fair decisions for both male and female litigants. The NAWJ has advanced the administration of justice in the areas of domestic violence, child support, child custody, and the treatment of women in the courts. Additionally, the organization provides education to judges on bioethics; elder abuse; the sentencing of women offenders with substance abuse problems; improving conditions for women in prison; and the problems facing immigrants in the court system.

Past Women and Law Section Chair and current Council Member Carolyn F. Moore became board certified in Worker's Compensation Law in December 2004.

Immediate Past Chair of the Women and Law Section Chair Judy L. Ney was promoted to the position of hearing officer

for the Texas Worker's Compensation Commission in Houston, Texas.

Susan Larsen, former Justice of the Eighth Court of Appeals, is no longer on the appellate bench after holding that position for two terms. Currently, she is performing contract work in El Paso and sitting on the bench as a visiting judge. Judge Larsen is waiting for her son to graduate from high school and plans to review her career options at that time. Judge Larsen may be reached at (915) 534-4349 or by mail at 704 Baltimore Street, El Paso, Texas 79902. "I would like to thank everyone who made my tenure on the Court of Appeals such a pleasure."

Association of Women Attorneys' past president Teresa Waldrop was honored in the Fall of 2004 at the Federation of Houston's Professional Women's 23rd annual awards gala. Ms. Waldrop was one of forty recipients of the Federation's "2004 Women of Excellence" awards.

The State Attorney General's Office has named Alicia Key as Director of Child Support. Previously, Ms. Key headed the Office of Court Administration.

Trisha Graham, executive director of the Tarrant County Bar Association, has been named recipient of the Whitfield J. Collins Special Recognition Award by the Legal Aid of North West Texas Board of Directors. The Board honored Ms. Graham for her continued support of legal aid initiatives.

## 2005 LEGISLATIVE UPDATE: BILLS TO WATCH

### Bills relating to abortion and family planning services:

**HB 16** – enabling pharmacists to refuse to fill or provide referrals for birth control and emergency contraception prescriptions. No other prescriptions would be subjected to this review. The pharmacist would be able to overrule a physician's recommendation and reject the prescription, regardless of whether the birth control was prescribed to help prevent ovarian cancer, high cholesterol, or any other medical risk.

**HB 17** – requiring collection of statistics on the number of judicial bypass cases approved for teens seeking abortion without informing a parent.

Currently, a judge's rulings in these cases are confidential. This bill could lay the groundwork to undermine a judge's ability to consider these cases on their merits and encourage judges to make decisions instead based on their reelection campaign. The proposition of this bill coincides with the Texas Republican Party platform's request that judges who approve judicial bypass cases be voted out of office.

**HB 131** – providing paid family medical leave to eligible new parents. (Rep. Senfronia Thompson).

**HB 145** and **HB 146** – exempting rape and incest victims, and women seeking abortion due to severe fetal anomalies from Texas' current 24-hour waiting period for abortion. (Rep. Jessica Farrar).

**HB 174** – establishing basic minimum standards for treatment of rape victims in hospital emergency rooms, including the provision of emergency contraception (Rep. Senfronia Thompson).

Currently 67% of Texas emergency rooms do not provide emergency contraception to rape victims. This bill would provide rape survivors with the medication needed to help prevent pregnancy following the rape.

**HB 253** – mandating inclusion of all TEKS (Texas Essential Knowledge and Skills) requirements in both the teacher and student version of textbooks. (Rep. Elliott Naishtat).

In November 2004, the Texas State Board of Education approved new health textbooks that failed to include TEKS information about contraception in the student versions of the textbook.

**HB 335** – authorizing the issuance of birth certificates for stillbirths on request of the parent. (Rep. Lon Burnam).

**HB 357** – eliminating the requirement in the new 24-hour wait law for abortions that abortions after 16 weeks be performed only at ambulatory surgical centers or hospitals, rather than clinics. (Rep. Eddie Rodriguez).

Today, almost no hospital or ambulatory surgical center in Texas will provide an abortion regardless of fetal anomalies or risk to the mother's life.

**HB 358** – requiring that clinics that provide abortions and abortion referrals be included in the information that women are required to receive as part of the new 24-hour wait and mandatory counseling law for abortions (Rep. Eddie Rodriguez).

The mandatory materials for women before they obtain an abortion contain a list of agencies and organizations that provide pregnancy-related resources and counseling. However, the Legislature banned the materials from including Planned Parenthood or any other clinic or agency providing abortions or abortion referrals from being listed in these materials.

**HB 421** – clarifying that a new Texas law identifying a zygote or fetus from the moment of conception as an individual does not require physicians to report suspected drug abuse by pregnant women to law enforcement officials. (Rep. Elliott Naishtat).

In 2003, the Legislature passed a law redefining a zygote or fetus as a person to enable prosecutors to charge a suspect with two charges of murder in the death of a pregnant

woman (aka Lacy Peterson law). At that time, the Legislature expressly discussed that this law should only be used in this situation. However, a West Texas District Attorney has sent a letter to physicians in her county mandating that they report any suspected drug abuse by pregnant patients to the police. HB 421 would reclarify that the 2003 law should not be used in situations of suspected drug abuse.

### **Child Care**

**SB 23** – proposing changes to the education code relating to subsidized child-care services and early childhood care and education program coordination. (Sen. Zaffirini)

**SB 97** – increasing the cigarette tax to spend on select, quality child-care programs. (Sen. Shapleigh)

### **Family**

**HB 143** – prohibiting employment discrimination on the basis of “sexual orientation or gender identity.” (Rep. Farrar)

**HB 149** – strengthening the "Rape Shield" law governing admissibility of evidence of an alleged victim's past sexual behavior or alleged sexual predisposition. (Rep. Pena)

**HJR 6** – proposing a constitutional amendment that marriage is a “union of one man and one woman.” (Rep. Chisum)

**HJR –19** proposing a constitutional amendment that would NOT recognize “same-sex marriage or civil unions.” (Rep. Talton)

### **Miscellaneous**

**HB 67** – designating August 26 as Women's Independence Day. (Rep. McClendon)

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