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November 11, 1993

Mr. Kelley Jones
Managing Editor
Texas Bar Journal
P.O. Box 12487
Austin, Texas 78711

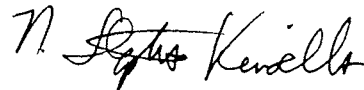
Re: Withdrawal of Article Entitled "Oilfield Indemnity and 'Separate Insurance'
Provisions in the Wake of *Getty Oil*"

Dear Mr. Jones:

Previously I submitted the captioned article to you for consideration for possible publication in the *Texas Bar Journal*. Thereafter I received a letter (copy enclosed) from Ms. Pamala Greathouse, Administrative Assistant of the *Journal*, dated September 15, 1993 informing me that the *Journal's* Editorial Committee had approved the article for publication. Ms. Greathouse also informed me that the article could take up to a year before being published, but that, pursuant to the "Affirmative Action Plan for Legal Articles" adopted by the State Bar of Texas Board of Directors, the article could be published much sooner if I am a member of a "recognized minority group."

I must say that I was offended by this response to my submission, since this policy clearly discriminates against authors based solely on their race. And it is simply bad manners, if nothing else, to send a letter to me informing me that I must sit at the back of the *Texas Bar Journal* bus. Regretfully, I must therefore withdraw my article from consideration by you for publication in the *Journal*. I will seek to publish the article elsewhere where my race is not taken into account.

Sincerely yours,



N. Stephan Kinsella

Enclosure

cc: Mr. Lonny Morrison, President (with enclosure)
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Official Publication of the State Bar of Texas
TEXAS
BAR JOURNAL

KELLEY JONES
MANAGING EDITOR

September 15, 1993

N. Stephan Kinsella
Jackson & Walker, L.L.P.
1100 Louisiana, Suite 4200
Houston, TX 77210-4771

Dear Mr. Kinsella:

Your article, "Oilfield Indemnity and 'Separate Insurance' Provisions in the Wake of Getty Oil" has been approved by the Editorial Committee for publication in the Bar Journal.


We will schedule the article as soon as possible. Fortunately for the Bar Journal, there is a backlog of articles waiting to be scheduled for publication. After your article has been scheduled for publication, you will be notified and given an opportunity to update it. After receiving your update, cites included with your article will be checked. Before the article is sent to the printer, a blue-line copy will be faxed to you which we ask that you review within 24 hours. These procedures help ensure the accuracy and timeliness of each legal article we publish.

We will make every effort to publish your article within one year from now. Because of the large number of articles we receive, we may not be able to publish your article within that time frame. If that is the case, your article will be returned to you to allow you the opportunity to submit it elsewhere. If you are a member of a recognized minority group, your article may be published in accordance with the affirmative action plan for legal articles.

If you have not done so, we would like for you to send us a recent photograph of yourself (preferably a black and white glossy) and brief (50 words or less) biographical information to accompany the article.

Thank you for your support and contributions to the Bar Journal.

Sincerely,


Pamala Greathouse
Administrative Assistant

P.O. BOX 12487

AUSTIN, TEXAS

78711

512/463-1522

AFFIRMATIVE ACTION PLAN FOR LEGAL ARTICLES ADOPTED BY STATE BAR BOARD OF DIRECTORS

The State Bar of Texas is committed to increasing the participation of minority attorneys in the activities and programs of the State Bar. As a part of that commitment, in June the State Bar's Board of Directors adopted an Affirmative Action Plan for Legal Articles submitted to the *Texas Bar Journal*. The plan is intended to help increase the number of minority authors who have articles accepted and published in the magazine.

Under the Affirmative Action Plan for Legal Articles, the following steps will be taken:

1. Letters will be sent periodically to specialty bars and minority lawyers who have made presentations during continuing legal education institutes and courses sponsored by the State Bar's Professional Development Program. The letters will encourage minority lawyers to submit legal articles to the *Texas Bar Journal*. Each letter will be accompanied by a copy of the *Bar Journal's* Guidelines for Legal Articles.

2. All legal articles are submitted through the standard review process. Acceptability of each article is determined by the Editorial Committee (three members of the State Bar Board of Directors) which has sole discretion over legal article selection.

3. Every legal article submitted for publication in the *Bar Journal* is judged for its quality of writing, scholarship, and organization. Also of importance are the article's length, timeliness, and usefulness to a large number of Texas practitioners. These standards and those expressed in the Guidelines for Legal Articles will not be compromised for any article.

4. After an article has been reviewed and accepted by the Editorial Committee, the author is notified. At that point, the author is sent a copy of this policy. If the author is a member of a minority group, (as defined by the State Bar Board of Directors, a minority is a member of a recognized minority group, including, but not limited to, Black, Hispanic, American Indian, and Asian-American) he or she will be given the opportunity to participate in the Affirmative Action Plan for Legal Articles. Under the plan, each accepted legal article will be published in the *Texas Bar Journal* in the first available issue after the

article has been accepted, provided that the author has complied with *Bar Journal* requirements for any necessary article and citation updates, and supplied a photo and brief biographical statement. After all requirements have been met, the article will be published in one of the next three issues of the magazine.

5. The Affirmative Action Plan for Legal Articles will be implemented only upon the choice of the author

and only *after* the article has been accepted. When the article is submitted to the Editorial Committee, no indication will be given as to the ethnicity of the author nor about his/her possible participation in the Affirmative Action Plan.

6. Upon its adoption by the State Bar Board of Directors, this policy will be published in the *Texas Bar Journal* and periodically thereafter.



Texas Supreme Court Justice Eugene Cook received the Lola Wright Foundation Award from the Texas Bar Foundation for his efforts to advance professionalism in the legal profession. With Justice Cook are (l to r) State Bar President Jim Parsons, Eugene Cook, Jr., and Sondra Cook.



(Above) Ann Jordan, wife of 1989-90 State Bar President Darrell Jordan, was presented a dozen yellow roses by 1988-89 President Jim Sales. (Right) Ed and Dianne McDonough of Houston at the President's Party which was held Friday, June 8. A reception preceding the President's Party honored Jim Parsons and his wife, Karen, of Palestine.

