



TCDLA Board of Directors Meeting Minutes

Saturday, March 5, 2011, 10:22 am
Crowne Plaza Downtown Houston
Houston Texas

03/22/11

Introduction

Bill Harris calls the meeting to order. A quorum was present.

Roll Call:

Officers

P Bill Harris, President
P Gary Trichter, Pres-Elect
P Lydia Clay-Jackson, 1st VP
P Bobby Mims, 2nd VP
P Emmett Harris, Treasurer
P Sam Bassett, Secretary
P Greg Westfall, Voice
editor*

Directors

E John Ackerman
P Susan Anderson*
P Kerri Anderson-Donica*
P Robert Barrera
A Lawrence Boyd
P Jaime Carrillo
P Jason Cassel
P Clay Conrad
E Harold Danford
P James Darnell
P Nicole DeBorde
P Emily Detoto
P Danny Easterling
P Steven Gordon

P Steven Green
P Michael Gross
A Theodore Hargrove
A John Heath
P Sam Lock*
A Constance Luedicke
A James Makin
A Jim Marcus
A Reynaldo Merino
P Patrick Metze
P David Moore
A Marshall Murphy
P David O'Neil
P Kelly Pace
E Tom Pappas
P Shawn Paschall*
P Bruce Ponder
A William Price
P George Scharmen
A Fred Stangl
E George Taylor
A William Vitz
P James Whalen
P Reagan Wynn
P Gary Alan Udashen*

P Russell Wilson
P Warren Alan Wolf

Associate Directors

P Marjorie Bachman
A Heather Barbieri
A Micah Belden
P Rick Berry*
P Melissa Hannah*
A Craig Henry
P Jo Ann Jacinto*
P Adam Kobs
A Jani Maselli
P Anthony Odiorne*
P Stephanie Patten
A Carole Powell
P Ray Rodriguez, Jr.*
P Sarah Roland
E Clay Steadman
P Charles Coby Waddill

Key: P = Present; E = Absent but Excused; A = Unexcused Absence

*Conference Phone

Past Presidents in Attendance: Richard Anderson, David Botsford, Michael Heiskell, Scrappy Holmes, Robert Lerma, Edward Mallet, E.G. Morris, Stanley G. Schneider.

Staff: Joseph Martinez, Melissa Schank, Donna Hurta, Rick Wardroup, Karen Haro

Introduction Welcome, *Bill Harris, President*

Bill Harris welcomes TCDLA New Board Members, Members, Past Presidents, and Guests. Bill Harris recognizes Alex Bunin, Chief Public Defender of the Harris County Public Defender's Office.

Bill Harris recognizes all Past Presidents: Richard Anderson, David Botsford, Michael Heiskell, Scrappy Holmes, Robert Lerma, Edward Mallet, E.G. Morris, Stanley G. Schneider.

Bill Harris thanks Course Directors; Gary Trichter, Troy McKinney, Mark Daniel, Stephanie Patten, Lydia Clay-Jackson and Bobby Mims.

Bill Harris welcomes guest Buck Files, who is running for President of the Texas State Bar. Bill Harris encourages members to support their candidate within the guidelines and speak to their candidate regarding the rules and platforms.

Swearing in of new TCDLA board members; Keith Hampton, Marjorie Bachman and Steven Gordon.

Comments from *Bill Harris*

No comments.

Approval of Minutes

- Motion by Michael Gross to approve the December 2010 Fort Worth board meeting minutes.
- Motion seconded by Gary Trichter. Motion Carries.

Hall of Fame Inductees

Electronic votes on February 15, 2011 approved to select Mr. Howard Butts (San Antonio) and Mr. F.R. "Buck" Files (Tyler) to be this year's inductees into the Hall of Fame.

NACDL Reception

Electronic vote on February 1, 2011 approved to make a contribution to NACDL reception. Motion by Craig Jett and seconded by Gary Trichter to make a contribution to NACDL for \$8,000 for the NACDL reception in San Antonio on Friday, February 18, 2011. The final contribution given was a little over \$4,000.

Recognition of Fallen Heroes and Heroines

None to report

Executive Director's Report, *Joseph Martinez*

Joseph Martinez thanks Bill Harris for his leadership over the past year. Applause.

Joseph Martinez thanks the executive committee for participating in numerous conference calls over the past months.

Staff Anniversaries

Joseph Martinez acknowledges Melissa Schank and her 6 years of service to TCDLA. Joseph Martinez announces that Melissa Schank has been promoted to Assistant Executive Director of TCDLA. Applause.

New Staff

Joseph Martinez introduces Donna Hurta, Controller of TCDLA and Rick Wardroup, Capital Assistance Attorney of TCDLA.

Donna Hurta thanks everyone and looks forward to working with TCDLA and board.

Rick Wardroup thanks everyone and looks forward to working with TCDLA. He reports on the upcoming seminars.

Membership Report

Joseph Martinez: NACDL's membership is down from 11,000 to approximately 9,700; a 5% to 7% drop.

TCDLA's membership has increased slightly. Joseph gives credit to; Complimentary Memberships, iPhone Application and other membership benefits.

CDLP Committee, David Moore

Mileage Rate Reimbursement: CCA has lowered the rate to .45 cents for the grant effective immediately. The Executive Committee has voted to lower the rate to .45 cents for TCDLA as well.

- Motion by Gary Trichter to approve mileage rate of .45 cents for TCDLA
- Motion seconded by Jim Darnell. Motion Carries.

Bill Harris: Received email from Bill Hill's office requesting approval of \$250,000 for training. \$50,000 in administration fees will go to the CCA and the remaining \$200,000 will be split evenly between public defense lawyers and criminal defense lawyers.

Grant submission needs to be submitted by March 9, 2011.

- Motion by Keith Hampton to approve the application of \$100,000 from the federal grant for capital training.
- Motion seconded by Nicole Deborde.
- One opposes. Motion Carries.

Budget Committee Report, Emmett Harris

Emmett Harris gives the floor to Bill Harris.

Bill Harris: Everyone was invited to attend the Board Budget Workshop conference calls that

were held on February 15, 23, 24, and March 1, 2011.

Bill Harris: Would like a policy that requests for money, not budgeted, will have to be submitted as a proposal to Joseph Martinez, Melissa Schank, and then to Donna Hurta within 30-60 days before a board meeting.

Joseph, Melissa and staff have been looking at ways to save money for TCDLA and CDLP and have put together a list.

Lydia Clay-Jackson: Board Members are supposed to be getting Profit and Loss statements each month. Joseph Martinez has agreed to send the Profit and Loss statements to the board members each month.

- Motion by Gary Trichter to approve the budget.
- Motion seconded by Stanley Schneider. Motion Carries.

Voice for the Defense, Greg Westfall

The website is up. Greg Westfall suggests everyone get on the website and check it out. To his knowledge it is the first website like this in the nation. Start up cost under \$10,000. Annual cost \$500. Considerably lower than the printed version.

Lance Evans: Will we have an option to choose either the magazine or the online version? Greg Westfall suggests waiting to make that call after the website has been up for a few months.

Bill Harris thanks Pat Metze for getting the information of the online Voice to the law students and law libraries.

Board Members have an obligation to submit two articles to the Voice per year.

- Motion by Pat Metze to approve that staff does not have to ask a board member for permission to use their materials submitted for seminars.
- Motion seconded by Emily Detoto.
- Proposed amendment by Pat Metze to get permission by the author of the material.
- Question by Stanley Schneider. Motion Carries.

24th Annual Rusty Duncan Advanced Criminal Law Course, Bob Hinton, Lance Evans, Grant Scheiner

Lance Evans and Grant Scheiner report the planning is going well.

Committee Reports

- a) Amicus, Regan Wynn – no report
 - b) Board Certification, Grant Scheiner – now a reality
 - c) Budget & Finance, Emmett Harris – nothing to add to the report given earlier
 - d) Bylaws, Gary Trichter – Open for discussion. Sarah Roland is concerned about Bylaw **ARTICLE IX—ELECTIONS Sec. 2. Nominations Committee.**
 - Motion by Susan Anderson to table. Discussion due to technical difficulties on conference call
 - Seconded by Emily Detoto.
 - Question
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- Vote 15/15
 - Bill Harris votes to table 15/16. Motion Carries

Motion will be discussed at June board meeting in San Antonio.

- e) Correction & Parole, David O'Neil – December 2010, the Texas Board of Pardons and Paroles published Board Rules, 37 TAC Sec. 149.40-149.55, "Hearing for Imposition of Sex Offender Treatment and/or Sex Offender Registration" in the Texas Register. On January 26, 2011 in a document signed by TCDLA President, Bill Harris, TCDLA submitted five pages of extensive comments, observations and objections to the proposed rules. On February 16, 2011 the Parole Board met and approved the new rules. While the new rules do provide a hearing and some due process before sex offender conditions are imposed on individuals with no sex convictions, they have serious shortcomings noted in TCDLA's letter. The new procedures will be implemented in the coming months and can be expected to be the source of considerable litigation.
- f) CPS Taskforce, Shawn Paschal – sent in a written report.
- g) Death Penalty, Jack Stoffregen – no report
- h) DWI, David Burrows – Larry Boyd needs volunteers for the drink and blow portion of the seminar. Top Gun will cosponsor with HCCLA for two days.
- i) Federal Criminal Practice, Richard Anderson – no report
- j) Hall of Fame, Scrappy Holmes – two great guys are nominated; Charles E. Butts and Scrappy Holmes
- k) Indigent Defense, Don Hase – no report
- l) Innocence, Jack Blackburn – no report
- m) Lawyers Assistance, Kelly Pace – we are sober
- n) Legislative, Mark Daniel – no report
- o) Nominations, Gary Trichter – no further report
- p) Public Defender, Jack Stoffregen – no report
- q) Strategic Planning, Sam Bassett – currently working on article for the Voice; what will TCDLA look like in 10 years? Strategic Planning conference call in April. Contact Joseph if anyone wants to participate
- r) Strike Force, Michael Heiskell, Gary Udashen – Everyone is acting up

Old and New Business

Update, Criteria for Filing Grievances, Emmett Harris – no report

Update, List serve Rules, Bobby Mims- reports no problems with the listserve

Update, Lawyer Advertising in the Voice, Jim Darnell – Policy for advertising in Voice for the Defense: 1. All advertisements in the Voice for the Defense publication must be beneficial to individual members of TCDLA or TCDLA member's clients.

2. All advertisements in the Voice for the Defense publication must not be in direct competition with the practice of any member in providing legal services.

3. The Editor of the Voice for the Defense shall have final authority for approval or denial of any submitted advertisement on the basis of content or propriety.

- Motion by Jim Darnell to approve the criteria for advertising in the Voice
 - Motion seconded by Stanley Schneider.
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➤ Question. Motion Carries

Update, Separation of CDLP, Dan Hurley- no report

Lawyer of the Year Committee, Lydia Clay Jackson – John Ackerman is in Australia. Will have a report at the June board meeting.

Pro Bono Award Committee, John Ackerman, Micah Belden, Stanley Schneider – extended the deadline.

Committee wants to name the Pro Bono Award the Charles E. Butts Pro Bono Award

- Motion by Scrappy Holmes to approve naming the Pro Bono Award after Charles E. Butts
- Motion seconded by Adam Kobbs. Motion Carries

Update, SBOT Criminal Defense Guidelines – Pat Metze reports that he has not heard anymore from Blackburn regarding the guidelines one way or the other.

Update, Android APP, Grant Scheiner - is on time and under budget; to be rolled out at Rusty Duncan in June

Update, Ellis County – no report

Update, State Database Project (Bill's Project) – will have a report for September 2011 board meeting

Use of TCDLA Logo by Members – **Bill Harris forms a Committee**

Committee Chair- Lydia Clay-Jackson; Larry Boyd. Will have a report at the June board meeting in San Antonio.

Report on Presentation by Local Criminal Defense Bars, Fred Stangl – they came up with a quiz that was similar to the T.V. show, *Are you Smarter than a Fifth Grader*, which generated a lot of interest and discussion. If other people are interested in using this idea, contact Fred Stangl or Joseph Martinez.

Cynthia Orr has requested that Bill Harris consider writing a letter to the District Attorney, in support of a Post Conviction case that Cynthia has in Oasis County.

- Motion by Stanley Schneider to submit the request to the Amicus Committee
- Motion seconded by Pat Metze. Motion Carries.

Adjourn Meeting

- Motion by Warren Wolf to adjourn meeting
 - Meeting Carries.
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Adjourn: 12:00 pm

Respectfully submitted,
Joseph A. Martinez
Executive Director