



## TCDLA Board of Directors Meeting Minutes

Saturday, March 6, 2015  
Magnolia Hotel  
Houston, Texas

### Introduction

Emmett Harris, President calls the meeting to order at 10:30 am. A quorum was present. Emmett recognizes all the past presidents, guests and new board members.

### Roll Call:

#### Officers

<u>P</u> Emmett Harris, President	<u>E</u> Deandra Grant	<u>A</u> Ed Stapleton
<u>P</u> Sam Bassett, Pres-Elect	<u>E</u> Melissa Hannah	<u>P</u> Clay Steadman
<u>P</u> John Convery, 1st VP	<u>P</u> Theodore Hargrove,	<u>P</u> George Taylor
<u>P</u> David Moore, 2nd VP	III	<u>A</u> Gary Alan Udashen
<u>P</u> Mark Snodgrass, Treasurer	<u>E</u> Jo Ann Jacinto	<u>A</u> Oscar Vega
<u>P</u> Kerri Anderson-Donica, Secretary	<u>A</u> Steve Keathley	
<u>P</u> Michael Gross, <i>Voice</i> Editor	<u>E</u> Laurie Key	

#### Associate Directors

<u>P</u> Roberto Balli
<u>P</u> Robert Barrera
<u>P</u> Curtis Barton
<u>P</u> Michael Head
<u>E</u> Susan Kelly
<u>A</u> Bradley Lollar
<u>A</u> Louis Lopez
<u>P</u> Hiram McBeth
<u>P</u> Audrey Moorehead
<u>P</u> Jeremy Rosenthal
<u>P</u> David Ryan
<u>P</u> Frank Sellers
<u>P</u> Monique Sparks
<u>P</u> Courtney Stamper
<u>P</u> Mark Thiessen

#### Directors

<u>P</u> Susan Anderson	<u>E</u> George Milner, III
<u>E</u> Marjorie Bachman	<u>P</u> Angela Moore
<u>P</u> Heather Barbieri	<u>P</u> David O'Neil
<u>E</u> Rick Berry	<u>A</u> Anthony Odiorne
<u>A</u> Fred C. Brigman, III	<u>P</u> Stephanie Patten
<u>A</u> F. Clinton Broden	<u>A</u> Oscar Pena
<u>P</u> Jim Darnell	<u>A</u> Bruce Ponder
<u>P</u> Nicole DeBorde	<u>A</u> Carole Powell
<u>P</u> Emily Detoto Munoz	<u>A</u> Bennie Ray
<u>P</u> Don Flanary	<u>E</u> Ray Rodriguez, Jr.
<u>E</u> Steven Gordon	<u>P</u> Sarah Roland
	<u>P</u> John Hunter Smith

Key: P = Present; \*via phone, E = Excused Absence; A = Unexcused Absence

**Past Presidents in Attendance:** Tim Evans, Ron Goranson, William Harris, Dan Hurley, Craig Jett, Ed Mallett, Bobby Mims, Gerry Morris, Vincent Perini

**Guests:** Casie Gotro, Danny Easterling, Bill Trantham, Nicolas Hughes, Carmen Roe, Scott Pawgan, Greg Waldron, Pete Allman

**Staff:** Joseph Martinez, Melissa Schank, Rick Wardroup, Mari Flores

**President's Comments, *Emmett Harris***

Emmett asked past presidents to stand and recognized each president and thanked them for their ongoing presence and institutional knowledge, good faith and dedication and continued loyalty to TCDLA.

Emmett congratulated the following: Roberto Bali who was elected to city council in Laredo; Susan Kelly and Shawn Paschall for not guilty verdicts.

**Recognition of Fallen Heroes, *Emmett Harris***

A moment of silence was given for Dan Moody Hurley from Lubbock and James Brook from Houston.

**MOTION: Minutes – December 6, 2014**

**Motion to adopt the minutes from the TCDLA Board Meeting on December 6, 2014, in Fort Worth made by Stan Schneider, seconded by Jim Darnell - motion carries.**

**DOW Conflict, *Nicole DeBorde***

Nicole DeBorde reports David Dow has been suspended from appearing before the Court of Criminal Appeals, as well as federal courts. Nicole DeBorde, Cassie Gotro and Stanley Schneider are fighting this suspension by filing various unique pleadings. The motions will be shared when completed. They will be going to the Texas Supreme Court. A round of applause was given to the group for their work.

The executive committee met and voted to have TCDLA support the cause and authorized up to \$2000.00 for expenses.

**MOTION: Follow procedure as outlined by executive committee, filing of Amicus and authorize up to \$2000.00 for expenses. Motion made by John Convery, seconded by David Ryan – motion unanimously approved.**

**MOTION: Jim Darnell asked for a roll call vote, no second – motion fails.**

Nicole thanked the group but would like everyone to support by electronic signature and sending to her via email.

**Audit Report, *Pete Allman***

It was reported that TCDLA has voted to switch auditors due to “best business practices.” This is the first year Allman and Associates has performed TCDLA’s audit. Allman and Associates work exclusively with 60-70 non-profit associations. Pete Allman talked about their procedures for performing an audit. The first time they do a “walk-through” on procedures and processes to get an understanding of what you do and how the money comes in and is processed. A large

amount of procedures and processes dealt with the CCA grant compliances. Then we will brainstorm risk assessments and fraud potential. We design our audit steps to test those risks.

We pull all checks to employees to make sure there is a business purpose and receipts. We look at all payments to credit card companies for business purposes and supporting invoices. We look at payroll to ensure everyone is paid properly; check all vendors and addresses to ensure there are no dummy schemes.

Based on all our testing there was no findings of theft or fraud.

All the cash transactions balanced with revenue and we know they all went through your bank and in your accounting systems. Samples for coding were all correct. Testing showed payroll was in compliance with IRS rules. Receivable and payables are done correctly. We found evidence to support financial statements are accurate and give TCDLA a clean audit report – this is the best result you can get from an audit firm. Overall from an audit stand point everything went well and we are pleased with internal controls and documentation, you have a good segregation of duties. One person cannot take one transaction from beginning to end. Pete Allman asked for acceptance of the report from the board to demonstrate their fiduciary duties.

**MOTION: to approve the TCDLA audit report made by Mark Snodgrass, seconded by Sam Bassett – motion passes unanimously.**

**Lawyer of the Year, *Emmett Harris***

Lawyer of the Year Committee has met and has selected Dan Hurley and Heather Barbieri for Lawyer of the Year.

**MOTION to nominate and accept Dan Hurley and Heather Barbieri as Lawyer of the Year made by Susan Anderson, seconded by David Moore – motion carries.**

A round of applause was given to Heather Barbieri as she reentered the room.

**DWI Update, *Emmett Harris***

Emmett gave an update that neither Gary Trichter nor Bennie Ray had appealed to the board regarding the board's decision.

**MOTION: To approve and adopt findings and procedures made by Jim Darnell, seconded by John Hunter Smith - Jim withdraws the motion – motion fails.**

John Convery suggests that no action be taken at this time since there is not an appeal. Mark Snodgrass read the Conflict of Interest Policy – board agrees no action is necessary at this time.

**Executive Director's Report, *Joseph Martinez***

Joseph looks forward to board meetings for better or worse or grim. It is just amazing the amount of discussion, intelligent sincerity, emotion & commitment. Know you just warmed one person's heart. Good news is we are doing very good this year. We are doing good due to your staff.

- **Staff Anniversaries** – Joseph recognized Cindy Escobar for 1 year, Valerie Butler for 1 year, Alejandra Rangel for 1 year, Mari Flores for 3 years, Rick Wardroup for 4 years, Melissa Schank for 10 years. Melissa thanked the board and Joseph for the opportunity to serve this association over the past 10 years and has learned so much from all.
- **State Bar Grant**– We are still waiting to see if we will be awarded a grant to do a crimmigration seminar – criminal law and immigration.
- **Round Top IV** – as of January 2015 we are zero balance; we sustain the program by donations and participant registration fees. Stan Schneider gave an overview of the program. Mark your calendars October 7-11, 2015.

### **Membership, *Melissa Schank***

Current membership is 3170 same time last year 3212, down by 42. Revenue is up due to increased dues. From last year we have 54 out of 103 board comp non renewals. If you sponsored a member please contact them with the list emailed to you. New lawyers retention rate is 40-50% each year. We have worked with membership chair, Marjorie Bachman on suggesting a new lawyer rate of \$75 each year. If we can retain new members the first three years they are likely to maintain as members.

John Convery asked for a survey of the membership. One has been created working with membership committee. We will forward to John for input. John also suggested that board members contact the board comp recipients 2/3 of membership. The questionnaire will be disseminated to new members, seminar attendee's, non-board or committee members. Survey is to target regular members – new why they are joining, veteran why they stay as members. We are increasing benefits in the upcoming months. Rural committee and transcripts projects are some new benefits to come.

**MOTION: To increase dues for new members to \$100 for the first year, \$100 for second year then third year renewal they will become a regular member at \$180 motion made by Sarah Roland, seconded by Susan Anderson – 1 oppose – motion carries.**

### **Technology Committee, *Melissa Schank***

Robert Guest, Technology chair has an ongoing transcript project in which we need assistance to collect transcripts to put on website in the members only section. We had requested transcript from the CCA but were told there would be a fee. The committee would like to request funds to hire a law school intern at \$15 an hour, 8 hours a week for approximately 4 months to a) contact lawyers for transcripts; b) following up with lawyers who want to assist; c) upload, reviewing and organizing these transcripts.

**MOTION: To take funds out of technology line for transcript project on website made by John Convery, seconded by Mark Thiessen – motion carries.**

### **Seminars, *Melissa Schank***

- Trial College is full with a wait list. We want to thank Texas Criminal Defense Lawyers Education Institute for sponsoring the “Hostility Room” each year.
- DWI Defense in Arlington May 1st has a stellar line up. Please attend we are still working hard to let criminal defense attorneys know there are two different groups. We

are getting members calling thinking TDDLA events are TCDLA events. We will continue to market and differentiate the groups. We encourage everyone to support us and come to the event – help spread the word for all the upcoming TCDLA DWI events. In addition we have the following DWI seminars coming up MSE, DWI Blood, Top Gun DWI and Advanced DWI.

- Rusty Duncan numbers look good, TCDLEI is giving scholarships, and we have given posters to board members to hang up. The SBOT is having their annual meeting at the same time; they signed their contract after TCDLA. They are having a one day, 6 hour class on criminal defense. Help us promote this event. Brochure will be dropping this week. We are also looking for silent auction donation.
- Emmitt Harris, Sam Bassett and John Convery will be attending MSE this year to continue cultivating the relationship with NCDD. The current count is 145; we were at 165 same time frame last year.
- Emily Detoto was recognized as one of the course directors for the Voir Dire seminar. We received nothing but great comments. Emily thanked everyone for making this a success. Applause was given to all the course directors: Emily Detoto, JoAnne Musick and Tyrone Moncriffe.

### **Seminar Attendees, *Bill Habern and Dave O'Neil***

At a recent seminar - Post Conviction, the parole chairman attended. The registration form states: "Seminars are open to criminal defense attorneys; other professionals who support the defense of criminal cases may attend at cost. Law enforcement personnel and prosecutors are not eligible to attend." This statement will also be added to course director announcements. The sign in sheets states: "By signing this you are certifying that you are a practicing criminal defense lawyer, defense investigator or mitigation specialist." Lists are also sent to course directors to review for attendees. The parole chairman has been written in the past not to come. She came this year, which speakers were upset regarding rules.

Suggestions: course directors review and monitor the pre-registration list, during announcements state statements and ask anyone that is not the targeted audience to leave, and a letter to those who do not qualify to attend. A letter will be written to the parole chairman.

### **Publications, *Rick Wardroup***

Rick has been contacting board members to update publications. We are updating all the publications with one new one. Pressing issue is the Losch Capital Manual has not been updated since 2006; there have been one or two updates. Dana Lynn Recer's group did the last update and requested to do it again. There is some movement to get the book updated as soon as possible.

### **Capital Assistance, *Rick Wardroup***

CCLI is a federal funded program. We bring in faculty from all over the states. We had a very successful event this year. Melissa and Cindy at the home office were able to get 14 teams organized. This is the largest group we have ever had. Simultaneously we held the Capital/Mental Health seminar which had great attendance as well.

### **Committee Reports**

**Budget and Finance Committee, Mark Snodgrass**

Mark stated we are in good shape financially. Budgeting is right on pace where we should be. We have cut a lot of fat to offset the additional legislative expenses.

**CDLP Committee, Kelly Pace**

Kelly stated we did 40 seminars this is less than last year but we have increased attendees. Come to South Padre for Trainer for the Trainers. We will train you as a speaker and get you speaking. John Hunter Smith is the new CDLP co-chair, Jani Maselli Wood will move up to the chair position. We are working on the new traveling road show theme. I want to give special thanks to Rick Wardroup who does specialized capital seminars and to the local bars who promote and bring in attendees at the local levels.

Kelly is concerned the average age of those attending the seminars are experienced veterans. We want to encourage the new young attorneys to attend. Let's make them a better lawyer and a member.

Joseph reported there is a surplus balance of 2 million in fund 540. The senate and house is requesting to give the funds to CCA for FY16 and FY17. FY18 we would return to the original awards amounts. We should find out in May. Stan Schneider suggested we are cautious on any new implementations since this is a temporary increase. Jani Maselli Wood and John Hunter Smith will be working on this.

Kelly reported the average score for CDLP speakers is 4.6-4.7. They are being well received and successful. He thanks the speakers for their time and effort. Emmett thanked Kelly for his continuous work. Applause was given by the board.

**Voice for the Defense, Michael Gross**

*Voice for the Defense* is doing great.

**2015 Rusty Duncan, Sarah Roland**

Sarah encouraged everyone to come!

**Rural Practice, Clay Steadman**

Coordinating a one day Rural Practice seminar with CDLP. They will be coordinating with Jani Maselli Wood for next year. The committee will also assist local bars to have a 1-2 hour training. The committee is also looking at setting up a bank on the website and a listserve for local rules specific to each jurisdiction. Clay thanked David Ryan for his efforts and energy. The committee will also be working with the Affiliate Committee.

**Strike Force, Nicole DeBorde**

The committee has come to the rescue for several attorneys held in contempt. We had an attorney that was not a member who has joined and is thankful for this valuable service he was unaware of. TCDLA board passed a motion a couple of years ago that you do not have to be a member to receive assistance from the Strike Force.

**Legislation, William Harris**

Bill gave an update of bills TCDLA will be following and sponsoring. TCDLA will not support any bills that will create new crimes.

**By-Laws, Adam Kobs**

**MOTION: Sec. 2. Nominations Committee.**

**Prior to January 31st of each year, the President-Elect shall appoint a Nominations Committee consisting of one member from each of the Association's membership areas and all officers. Each member shall be an attorney who is a current member of TCDLA and has a minimum of five years of practice in criminal law. Past-presidents may be appointed to the committee but shall be non-voting members. The chair of the Nominations Committee shall be designated by the President. The Nominations Committee shall meet, and the members present shall select its nominee(s) for those positions in the Association which are open for election or reelection. The chair of the Nominations Committee shall report in writing on or before 90 days prior to the next annual meeting all said nominee(s) for each such position to the President, the Board of Directors, the Executive Director, and the editor of the Voice for the Defense magazine. Association members shall be given notice in writing of the nominee(s) for each such elective position on or before 75 days prior to the next annual meeting. Such notice may be by publication in Voice for the Defense and shall also advise the membership that any qualified member in good standing may seek election for the position as an officer, other than President, director, or associate director of the Association by following requisites of Article IX Section 3(b) of the Bylaws. Any disputed questions regarding an election shall be resolved by those members in good standing who are present and voting at the annual meeting.**

**Made by Susan Anderson, seconded by Sam Bassett – motion carries.**

**MOTION: Sec. 2. Nominations Committee.**

**If someone desired to serve as an officer, that person could only run for the office of secretary, rather than for any officer's position. Specifically, "any qualified member in good standing may seek election for the position as ~~an officer, other than~~ President-Secretary, director, or associate director of the Association by following requisites of Article IX Section 3(b) of the Bylaws.**

**Made by Adam Kobs, seconded Jim Darnell – motion withdrawn.**

Currently two ways to remove a board member - majority vote from the board for cause or 2/3 vote to remove as a member for cause.

**MOTION: To keep and allow the last three years TCDLA Past Presidents to hold board positions and vote made by Roberto Balli – motion withdrawn.**

**MOTION: To add to September agenda for further study regarding Past President voting privileges made by Roberto Balli, seconded by William Harris – motion carries.**

A suggestion was made for each board member to get in contact with a past president and discuss.

**Corrections and Parole, *Curtis Barton***

The committee has been working with Ms. Cummings on proposed legislation. They are putting a lot of effort into the changes and will continue to work hard.

**Hall of Fame, *Scrappy Holmes***

A question was brought up regarding the female recipients. Scrappy encouraged everyone to submit nominations.

**Old and New Business**

**Executive Director Evaluation, *John Convery***

John has been charged with collecting the surveys for Joseph's evaluation. He requested everyone submit one to him.

**52<sup>nd</sup> Annual Seeman Seminar, *John Convery***

John distributed flyers for the seminar scheduled April 17-18, 2015 in San Antonio. Please take it home, scan it and post on any list serves.

**TCDLA Apps, *Emmitt Harris***

Emmitt recognized Grant Scheiner as our tech guru and gave a teaser of some new apps Grant is working on.

**Closing Announcements, *Emmitt Harris***

Emmitt stressed two most important items is to increase membership and reach out to new young lawyers in your community - it is our job to do this. Spread the gospel of what we are a part of. It is so wonderful, powerful and important we need to tell the world!

**MOTION to adjourn at 12:44 pm. Made by John Convery, seconded by Sarah Roland – motion carries.**

Respectfully submitted,  
Kerri Anderson-Donica  
TCDLA Secretary