



TCDLA Board of Directors Meeting Minutes

Saturday, March 7, 2009, 9:46 am
Texas Tech Law School, Lubbock, Texas

Introduction

Rick Hagen calls the meeting to order.

Roll Call:

Officers

P Rick Hagen, Pres.
P Stan Schneider, Pres-Elect
P Bill Harris, 1st VP
P Keith Hampton, 2nd VP
E Lydia Clay-Jackson, Treas.
P Bobby Mims, Secretary

Directors

P Susan E Anderson
E Kerri K. Anderson-Donica
P Stephen U. Baer
E Robert Barrera
P Sam Bassett
A Jason Butscher
E Jaime E. Carrillo
E Jason Cassel
A Dan Cogdell
P Paul Conner
P Clay Conrad
A John Convery
E Harold Danford
P Jim Darnell

P Danny Easterling
P Steven R. Green
P Michael Gross
E John R. Heath, Jr
P Lynn Ingalsbe
E Sam Lock
E Constance Luedicke
E James Makin
A Jim Marcus
A Reynaldo Merino
P Pat Metze
P David Moore
E Doug Murphy
A John Niland
P Kelly Pace
P Tom Pappas
E Shawn Paschall
P William E. Price
E William H. Ray
A George Scharmen
P Mark Snodgrass
P Fred Stangl
E Tony Vitz

E Sheldon Weisfeld
E James Whalen
P Russell Wilson, II
P Warren Wolf
E Reagan Wynn

Associate Directors

P Bruce Ashworth
P Lawrence Boyd
P Fred Brigman, III
P Erika Copeland
E Nicole Deborde
E Emily DeToto
P Theodore Hargrove III
E Russell Hunt, Jr.
A Ray Merino
A Franklyn Mickelsen Jr.
P David O'Neil
E Bruce Ponder
P Ray Rodriguez
P George Taylor
E Gary Udashen
P Coby Waddill

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

Past Presidents in Attendance: Bob Hinton, Scrappy Holmes, Dan Hurley, Tim Evans, Richard Anderson, Mike Heiskell, Craig Jett, Bill Wischkaemper

Staff: Joseph Martinez, Cynthia Hampton, Philip Wischkaemper, Melissa Schank, Dawn Thornburgh

Minutes from the December 2008 Board meeting in Fort Worth are approved

Fallen Hero

George Taylor eulogizes San Antonio lawyer Jim Greenfield, who was instrumental in starting up the SACDLA, as well as helping it become closer to TCDLA.

Comments from the President, Rick Hagen

Rick thanks LCDLA and the course directors for the seminar. The scholarship fund raised \$5000 for the Brendan Murray scholarship fund.

Rick recognizes Dean Huffman of the Law School. He commends Lance Evans for the Colorado Trip. Scrappy Holmes is given an award for his outstanding and ongoing service to TCDLA.

Rick reminds the group of his three goals for this year (see Minutes from last meeting). Progress has been made.

Strike Force Report

Mike reports on the matters currently before the Strike Force:

Gore amicus

George Parnham – subpoena of his client to produce lawyer's files

Voice Editor

Emmett Harris has resigned and Rick has appointed Greg Westfall as the new editor.

- Motion to Approve Greg Westfall as editor for the Voice
 - Motion Carries
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New Affiliate Associations

Big Country Criminal Defense Lawyers (BCCDLA) and Waller County Criminal Defense Lawyers (WCCDLA) Associations.

- Motion to accept affiliates
 - Motion carries
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Seminars

See Executive Committee Minutes

Executive Committee

By-law Change: Rick would like to see a by-law change reducing the size of the Executive Committee.

- Motion to appoint a committee consisting of Scrappy, Tim and Richard to come up with a by-law change as described above.
 - Motion Carries
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Keller Issue

A statement was prepared as the official response of TCDLA if anyone asks us. Motion is read to the group. Discussion of statement – slight change is made.

- Motion for Craig Jett to draft and official statement
 - Motion Carries
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Executive Director's Report: Joseph Martinez

Joseph reports on seminars. We are exploring ways to cut expensed.

Dawn reports on the audit. We have hired an independent contractor to help and are on target for the end of April.

Complimentary memberships: 47 new memberships were given to board members but not everyone has used them.

Rusty: the judge costs were approved by CCA. LEI has agreed to give out scholarships.

Capital Assistance: Philip reports on the updating of the code books, the hiring of lawyer Kathleen Nacozy as research attorney to assist with publications.

We had 10 executions this year.

Jack Stoffregen and the West Texas Capital Defender office has been open 14 months now and is doing very well. It has 65 counties participating.

Relationship with TCDLEI: Rick

They have approved \$33,000 in scholarships for Rusty.

The current home office is now under contract.

After its restructuring, LEI needs to decide who will do its administrative work. They have paid TCDLA \$8,000 per year, which is dramatically below the bids we have received from other administrative companies. Rick and Shirley will attempt to work out these issues. Bids to three companies were sent.

Office Lease

We have a proposed lease for the property at S. I-35 and Riverside. It will take three weeks to build out the space. Rick wants a real estate lawyer to review and report back to us on the lease and for Gerry Morris to "pull the trigger."

- So Moved
- Motion Carries

Joseph describes the building

CDLP Report

Mark Snodgrass reports. (see CDLP Minutes) All is well, but we need speakers.

Publication Report: Cynthia Hampton

Not really much to report right now. We have about 40 publications. Sales are going well as we are having a blowout sale on all publications. Philip and the Lubbock law clerks are hard at work working on non-Penal Code statutes and cases to put in our Code Books (Government and Water Codes) next time we do a re-printing. Everything of course will be updated after the session.

Big news is that we have hired a research attorney, Kathleen Nacozy, who will be working on annotations for the PC and CCP. Kathleen is a recent Tech graduate and former student of Pat Metze and is very bright. She has already helped with updating of the Appellate Manual.

Voice: Emmett Harris

He has resigned as editor because he has been appointed Secretary. He thanks everyone who helps put together the Voice.

Rusty Duncan Update: Greg Westfall

We are ahead of last year. We have, among others, Gerry Spence, Racehorse, and Mark Lanier. We are having three breakouts again this year.

Amicus Committee: Greg Westfall

The committee has been very active this year.

Suggestions made for: 1) an interactive form on the website for people to request amicus help; 2) spreadsheet of cases kept by home office; 3) what to do when there is overlap with Strike Force; and 4) guidelines for what an amicus brief really is.

Rick notes that Sarah Roland wrote the Gore brief.

Membership Retreat

Stan announces his retreat this summer will be in Wine Country California.

NACDL/TCDLA Joint Venture:

Stan reports there will be no payment of money to their seminar. The reception will be jointly sponsored. Our board meetings will be on Friday.

Committee Reports: The following committees reported

- Corrections and Parole: Dave O’Neil reports new phone systems are being installed at TDCJ
 - Legal Specialization: Rick says Appellate Specialization continues to be an issue
 - CPS: Paul Connor reports there are problems with discovery
 - DWI: Larry Boyd reports that the Dallas DWI Seminar in May at Belo with David Burrows is in the works
 - Federal: Richard Anderson reports.
 - Legislative: Keith Hampton reports on pending bills. The discovery bill is at issue again. Rick remarks we must be united on discovery. At the very least we want offense reports and witness statements.
 - Public Defender: Rick comments on Stan’s plan to appoint a “standing” PD committee.
 - Strategic Planning: Tom Pappas reports we have three options for planning time – 5, 15 and 20 years.
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New Business

Dan Hurley recognizes Rusty and Sarah Gunter and Laurie Keys for putting on this great seminar

Adjourn: 12:19 pm

Respectfully submitted,
Joseph A. Martinez
Executive Director