

**TCDLA Board Meeting
Minutes
Saturday, March 8, 2008, 10:25 pm
Vieux Carre Room, Monteleone Hotel, New Orleans LA**

Introduction

Craig Jett, President, calls the meeting to order.

Present: Craig Jett, Rick Hagen, Stan Schneider, Bill Harris, Lydia Clay-Jackson, Susan Anderson, Robert Barrera, Paul Conner, John Convery, Kenda Culpepper, Mike P. Gibson, Mike Gross, Tom Hirsch, Bobby Mims, Larry Moore, John Niland, Kelly Pace, Tom Pappas, Bill Price, Bill Ray, Grant Scheiner, Mark Snodgrass, Shel Weisfeld, Russell Wilson, John Young, Warren Wolf, Clay Conrad, Darlina Crowder, Jason Butscher, George Scharmen.

Past Presidents: Richard Anderson, Ron Goranson, Bobby Lerma, Scrappy Holmes

Staff: Joseph Martinez, Cynthia Hampton, Tiffany Martin, Melissa Schank

Excused: Danny Easterling, Keith Hampton, Constance Luedicke, Doug Murphy, Harold Danford, , Kerri Anderson-Donica, Reagan Wynn, Fred Stangl, Sam Bassett, John Carroll, John Heath, Jr.,

Absent: Dan Cogdell, Lynn Ingalsbe, Sam Lock, James Makin, Jim Marcus, Stephen Baer, Jim Granberry, Jim Darnell,

Introduction of TCDLA members present: EX Martin (Dallas), Sara Roland (Denton), Letitia Quinones (Houston), Coby Waddill (Denton), Lauren Cain (Collin County).

Minutes from December 8, 2007, Board Meeting in Dallas are approved.
Minutes are also amended to show Mick Mickelson and David Moore as present.

Board Changes

Craig reports on appointments to the board to fill unexpired terms. Clay Conrad was moved up to the Board and Nicole DeBorde was appointed to the Associate Board.

- Motion to adopt board place numbers
 - Motion Carries
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Executive Director's Report, *Joseph Martinez*

We expect to train 4200 lawyers this FY. We are about \$100,000 under for seminars right now, but that is without MSE and Rusty, our two biggest events.

We are \$80,000 down on membership due to lapsed members

A Chronicle of Motions (from prior board meetings) is being completed.

Capital Assistance Report. *Cynthia Hampton for Philip Wischkaemper*

Since the last board report in December, there has not been a single execution in Texas. There have been, however, two new sentences received by TDCJ since December 1, 2007.

Since the last report, Philip's office has been involved with the Prairie Dog seminar in Lubbock, the Capital Mental Health and Habeas seminar in San Antonio on February 7 and 8 and the Evidence Boot Camp on February 27 - 29. As usual, Prairie Dog went off without a hitch and with good attendance. The Capital Seminar in San Antonio was a disappointment in terms of attendance. He & Joseph intend to meet at some point to discuss the future of the capital program because of the waning attendance. With all the capital programs we do in Plano, TCDLA may be diluting our attendance at this more generic program that we take from city to city around the state. More on that later.

The Mental Health seminar was well attended and from all indications and based upon the evaluations, was a success. The Habeas seminar was well attended and was its usual success because of the assistance of Morris Moon and Texas Defender Service and the folks at the Habeas Assistance Training Group.

He and the clerks continue to work on publications. They are working on the Water Code, the Government Code, and the Texas Constitution to be added to the next addition of the criminal codes book. They continue to work on the update for the Punishment manual for Rusty Duncan. With the assistance of Pat Metze and Jerry Howeth, they are attempting to update the Trial Notebook in time for the Criminal Trial College. They also are updating and checking the existing cheat sheets and hoping to add one more, a cross-examination cheat sheet, in the near future.

Philip has also been busy with the Evidence and Death of a Child seminars in Plano over the last 2 weeks but the rest of the month he intends to be in the office working on publications.

Audit: *Tiffany Martin*

Nothing will happen until after April 15th, when we anticipate hiring a new auditor.

Strike Force/Amicus Issue.

In DP case in Collin County, a GJ subpoena was issued for a lawyer's office after police read his client's mail. This is not really a strike force issue because the subpoena has already been executed and no one was jailed or threatened with contempt. The issue is referred to the Amicus Committee. Rick suggests appointing Richard Gladden assist with any necessary briefing, and Russell Wilson offers to help because he had already filed a brief on this same issue. We will contact the trial lawyers for this case and ask whether they want our help.

CDLP Seminars *Grant Scheiner*

Grant reports on upcoming CDLP seminars.

Annual Adoption of 401K Resolution for Staff

- Motion to Adopt 401K Resolution
- Motion Carries

Update on Listserv

Craig reports Dan Fitzgerald will have the report next week.

Expunction Committee, Craig Jett

Bill Allison is helping gather list of databases that archive criminal records.

Legislation is expected for next session to resolve the issues relating to private databases.

Seminar Committee, Report, H. F. "Rick" Hagen

See LEI Minutes

Rick reports the State Bar's seminar attendance is dropping. Reason may be that they are doing more electronic CLE, such as webinars.

Discussion re: pros & cons of 30-minute presentations:

- Very expensive (more speakers, means more speaker expenses)
- Some people like the short talks
- Tendency to run over and get behind schedule
- Books are bigger

Other issues:

- So-sponsorship of seminars
- Grant will allow 2% staff pay increase, which will lower amount spent on seminars
- Moving to CD only
- Hotel expenses
- Enforcement of 50-page limit for papers
- NACDL Seminars

Recognition of MSE/NCDD with resolution at Rusty

- Motion for preparation and presentation of said resolution
 - Motion carries
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Publication Committee Report, Kelly Pace

We have updated the following:

- Sex offender cheat sheet
- Evidence cheat sheet
- Lesser included offenses cheat sheet

Larkin has received a facelift: more professional formatting and binding

The following will be updated by Rusty:

- Search & Seizure
- Appellate Manual (pamphlet supp)
- Texas Punishment manual
- Criminal Specialization outline

The following cheat sheets will be new 3/08:

- Immigration
 - Cross-exam of CI
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The following will be brand new at Rusty:

- Annotated Traffic Code

We will have a pocket part or pamphlet supp for the codebook sometime in the summer to reflect new case law since publication.

All our publications will be getting a “facelift” similar to Larkin. Sales are slightly down, probably due to late publication of the code books, which we annotated this time.

Voice for the Defense, Emmett Harris

Discussion of Voice Survey, which was very favorable.

Ellison article. Tony Vitz and Coby Waddill offer to review the materials we have relating to this issue.

Update on Judicial Compliant, Craig Jett

No changes to the complaint were made, and there is nothing to report.

Criminal Law Specialization, Craig Jett

The committee met yesterday and discussed various options relating to the proposed amendments/changes to the criminal specialization. Bottom line is the TBLS has either withdrawn or tabled those amendments. People are again invited to join.

Conflict of Interest Policy, Bill Harris

The Committee met yesterday and recommended adoption of a version proposed by John Convery

- Motion to adopt Conflict of Interest Statement
Discussion
Amendment: add staff language and take out “Draft procedures . . .”
- Motion Carries

The committee will continue for another year. We will study the proposed version that NACDL is considering adopting.

Indigent Defense Committee, Bill Harris

The committee is expected to function similarly to Strike Force as relates to denial of attorney fees.

Public Defender Committee, Susan Anderson

Reports on the first management training session to be held one day prior to Rusty.

Proposed By-law changes, Rick Hagen

Rick proposes a change that will prevent stacking of the nominations committee. He wasn't language to require one (and only one) member from each district and all officers to serve on the committee. In addition, all past presidents would be invited to attend, participate, and vote, though they could not be included in the committee's quorum. After discussion the proposal is referred to a committee consisting of Rick, Susan Anderson, Tom Pappas, Nicole DeBorde, and Bill Harris (Chair).

Committee Reports (All Committee Chairs or Officer Liaisons report)

- Bylaws
- Conflict of Interest
- Criminal Specialization

(see above)

No reports from any other committee.

Old & New Business

Lawyer of the Year – committee has list to consider

“Legends” video-taping is continuing.

Use of TCDLA Logo -- tabled

Hall of Fame Committee:

- Motion to Induct Stuart Kinard
 - Motion Carries
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Adjourn: 12:50 pm

Respectfully submitted,
Cynthia L. Hampton
TCDLA Assistant Executive Director/General Counsel