



**Texas Criminal Defense Lawyers Association  
Board of Directors Meeting Minutes**

Saturday, March 10, 2012  
Chateau Bourbon  
New Orleans, LA

**Introduction**

J. Gary Trichter, President calls the meeting to order at 10:10 am. A quorum was present.

**Roll Call:**

**Officers**

P J. Gary Trichter, President  
E Lydia Clay-Jackson, Pres-  
Elect  
P Bobby Mims, 1st VP  
P Emmett Harris, 2nd VP  
P Sam Bassett, Treasurer  
P John Convery, Secretary  
E Greg Westfall, *Voice*  
Editor

**Directors**

P John Ackerman  
E Heather Barbieri  
E Robert Barrera  
E Lawrence Boyd  
A Fred C. Brigman  
E F. Clinton Broden  
A Jaime Carrillo  
P Jason Cassel  
E Erika Copeland  
E Harold Danford  
P James Darnell  
A Nicole DeBorde  
P Emily Detoto Munoz

E Danny Easterling  
P Steven Gordon  
E Deandra Grant  
A Keith Hampton  
E Theodore Hargrove  
E Sam Lock  
E Jani Maselli  
A Reynaldo Merino  
P Patrick Metze  
P David Moore  
P Doug Murphy  
P David O'Neil  
P Kelly Pace  
P Shawn Paschall  
P Stephanie Patten  
E Bruce Ponder  
E Carole Powell  
P Bennie Ray  
E Ray Rodriguez, Jr.  
E Sarah Roland  
P George Scharmen  
P Fred Stangl  
A Clay Steadman  
A George Taylor  
E Gary Alan Udashen

A William Vitz  
E Charles Coby Waddill  
P James Whalen  
P Warren Alan Wolf

**Associate Directors**

P Marjorie Bachman  
P Rick Berry  
P Kelly Case  
E Sharon Curtis  
P Robert Fickman  
E Melissa Hannah  
A Craig L. Henry  
E Jo Ann Jacinto  
E Steve Keathley  
P Laurie Key  
P Adam Kobs  
E Michael McDougal  
E Anthony Odiorne  
A Oscar Pena  
P John Hunter Smith  
P Edward Stapleton

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

**Past Presidents in Attendance:** Richard Anderson, Bill Harris

**Guest:** John Boston

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

## **Inspirational Readings**

Inspirational readings were read by Marjorie Bachman, Doug Murphy, Emmett Harris and Kelly Pace. Readings are available on the TCDLA website.

## **Recognition of Veterans**

The following were recognized: Bobby Mims, John Ackerman, David O'Neil, John Hunter Smith, John Convery, William Harris, Kelly Pace, Bennie Ray and John Boston for their service to our country.

## **MOTION: Minutes December 3, 2011**

Approve minutes from December 3, 2011 TCDLA Board Meeting in Austin. Motion made by Gary Trichter, seconded by William Harris. Motion carries.

## **Fallen Heroes, J. Gary Trichter**

Tributes were given to Don Killingsworth by Kelly Pace; Bob Ford by William Harris; Jimmy Parks by George Scharmen; Michael Barrow by Robert Fickman. A moment of silence was observed.

## **Executive Director Report, Joseph Martinez**

- **Staff Anniversaries**  
Melissa Schank celebrates her seventh year and Amanda Martinez celebrates two years with TCDLA.
- **New Controller**  
Joseph introduced Mari Flores, TCDLA Controller, who started February 1, 2012. Joseph gave information regarding dismissal of Donna Hurta, previous controller.
- **Membership Report**  
Current dues paying membership is at 3,175.
- **Membership Retention**  
Some new ideas presented are below. New ideas requested from board members, send to Melissa.
  - Have board members call NEW members at 6 months to see if they are content and will renew.
  - Change the renewal letter to list all the items they received the past year as a member including some bullets points from what we did at the legislature.
  - Have a staff in addition to the board members call lapsed members 30 days after for feedback or to reinstate over the phone.
  - Email log in and password when processing membership for new members and offer assistance to get them on the listserve.
  - Send member's birthday coupons with discounts on publications.
  - John Convery would like staff to look into automatic renewals for membership and publications. Staff will report at next board meeting.
- **Complimentary Memberships**  
Board members have three complimentary memberships to distribute and only half of those were given out last year.
- **TCDLA Directory Report/Plan for 2012-2013**  
**MOTION: Membership Directory**  
Motion to keep directory the same plan as is, was made by Bill Harris, seconded by Warren Wolf. Motion passes.
- **MOTION: Change 401(k) by Lowering Age Coverage to 18 Years**  
Motion made by John Convery seconded by David Moore. Motion carries.

- **Suicide Awareness:**

Add to executive committee agenda suicide prevention, 40% of calls received from Texas Lawyers Assistance Program deal with depression/suicide issues. Kelly Pace urged board members to call TLAP and let them know if you have noticed somebody you care about is not showing up or doing something not the norm. Ad in voice of who to call for TLAP, Voice article from Kelly Pace. TLAP is also making presentation to local bar association. TLAP programs for Winning Trial Tactics. Get with Greg Westfall every quarter for lawyers assistance. Add information to the seminar commercial.

- **Executive Director Evaluation**

Joseph thanked everyone for the comments from executive director evaluation. He has loved what he has done the last 10 years and looks forward to working with everyone.

- **Conflict of Interest Policy/IRS 990 Requirement**

Due to new requirements, TCDLA needs to look at new requirements on 990 forms including a conflict of interest statement.

### **Publications and Capital Assistance Report, Rick Wardroup**

Joseph congratulated Rick on overseeing all the publication updates. All publications have been updated for this session.

Rick reported on status of DOJ grant and technical assistance included. Event is October 2-4, 2012. Forensics will be an interactive program, possibly create a DNA lab or create blood splatter scene, Rick solicited topics and presenters.

### **CDLP Report, Jeanette Kinard**

Jeanette thanked all who participated in CDLP trainings. Six CDLP trainings were held in February, lots of training in numerous venues. June 6th is the Public Defender training at Rusty Duncan, Judge Hervey will be presenting.

### **Psychodrama, John Ackerman**

John reported on Psychodrama program held January 11-15 at Roundtop, Texas. Another event will be held January 2013. Several fundraising opportunities for the event: become a member, warrior or chief the Comanche Club. John stressed the importance of the program and is trying to develop some Texas based psychodramatists for future trainings.

### **Budget and Finance Committee, Sam Bassett**

Archie Montemayor has completed his audit, Sam will report in June. Two new signers have been added Marjorie Bachman and Bennie Ray. Reserves are being rebuilt with a monthly repayment of \$3500. Discussion regarding the building lease will be reviewed.

### ***Voice for the Defense*, Greg Westfall**

25,000 unique visits, who visited the site around 40,000 times, viewing 130,000 pages, which generated half a million hits. This year, our monthly online readership will surpass our total monthly circulation of the printed *Voice*.

### **Technology Committee, Grant Scheiner**

Researching conference call with video capabilities. Will test out on Executive committee. App will be updated as soon as legislature updates their website. In the process of creating a mobile site.

### **Rusty Duncan 2012, Doug Murphy**

This year's Rusty Duncan is June 7-9, 2012. Doug thanked John Ackerman for confirming Sun Wolfe and Gary Trichter for David Eaglemen. Doug asked board members to help recruit people and to get new fresh faces to come to Rusty Duncan.

TCDLA will send out email in early May on new Rusty app, Facebook and twitter opportunities. Credit was given to Miriam Rendon for all her hard work.

### **Members Retreat - July 17-22, 2012, Lydia Clay-Jackson**

The retreat will be held at the South Shore Harbour, events will include Kemah boardwalk, NASA, golf and a dinner in Galveston. Orientation CLE topic will be "How to be an Effective Board Member."

### **Commission on Task Force - Judicial Policy Council**

Gary recognized the governor's office for requesting names; TCDLA is submitting Bill Harris as TCDLA representative.

### **HCCLA, Robert Fickman**

The Sunset Commission has been reviewing commission on judicial conduct. Report is scathing an attack on the commission. Should be some hearings in April. Primary complaint is lack of transparency when a complaint is filed against judges and there is no feedback from the commission. Vast majority of judges are pleased with the commission. The public is not pleased. HCCLA suggests the commission should be abolished unless substantially changed.

### **President's Comments, Gary Trichter,**

Gary thanked all the course directors for the past TCDLA programs

### **Announcements**

- John Convery announced Henry Bemporad has been named as the magistrate judge for the fifth circuit.
- CDLP will be having a seminar in Williamson County.

### **Committee Reports**

- **Local Bar Affiliates, Bobby Mims**  
Webb County is organizing to become an affiliate; Gary Thomas from Austin is organizing.
- **Amicus, Angela Moore**  
Amicus has been very active. Cindy Powell had asked TCDLA to write an amicus for a Brady issue, TCDLA supported by signing off. Neil Robbins, Brian Wice, TCDLA did amicus. Gary recognized Angela for a couple of hundred volunteer hours she has given.
- **Bylaws Committee, Adam Kobs**  
In your packet are new bylaws submitted. Page 45 is a list of proposed changes. The biggest change is the internet voting. Main author working with committee was Ron Goranson also included were board members, past presidents and several committee meetings. Bylaws are a work in progress.
- **DWI Committee**  
Gary reported on DWI PD trainings co-sponsored with NCDD.
- **Financial Development, Bill Harris**  
Bill gave an overview on the Pat Ryan report submitted by Skystone Partners. Bill will discuss with Joseph affirmative steps to start the program. It is important TCDLEI run the program in order for contributions to be tax deductible. Will have report by June or September 2012.

- **Hall of Fame, John Boston**

John gave a review of the bylaws hall of fame requirements. Hall of fame nominees for 2012 are Charles McDonald and Roland Dahlin, III.

**MOTION: Hall of Fame 2012 Recipients Charles McDonald and Roland Dahlin, III**

Motion made by Richard Anderson, seconded by David Moore. Motion carries unanimously.

- **Judicial Integrity**

Kerri Anderson-Donica is working on resolution to condemn the conduct for the Morton case.

- **Strategic Planning Committee, Sam Bassett**

The strategic plan has five targeted items for plan. The plan will be published in the next *Voice* to generate action. Sam will ask the compatible committee chairs to be included. A suggestion was made to include plaintiff civil rights.

- **Strike Force, Bobby Mims and David Moore**

Chairs reports they were not aware of anything new from the last meeting. Last issue was attorney sanction, a background check was done and Strike Force appeared on behalf of TCDLA. Bobby Mims and David Moore approached the bench and felt notice was not proper and the DA had a conflict of interest, the hearing was dismissed. The strike force investigates and will only take on if attorney is ethical and zealously representing their clients. Working on a possible throw down brief to be accessible for strike force members.

Since judges read our *Voice*, TCDLA should have Strike Force write an article in the *Voice* stating what the committee does to be informative. Bobby Mims will follow up.

Cynthia Orr's case had \$2147 of out of pocket expenses. Gary asked for contributions.

- **Technology, Grant Scheiner**

Researching several options for video conference calling, limited to 10 users. Will test out on Executive committee. App will be updated as soon as legislature updates their website. In the process of creating a mobile site.

- **Lawyer of the Year, Bennie Ray**

The committee has nominated Troy McKinney; Bennie Ray read the countless reasons. Acclimation was made by the board to vote for Troy McKinney as Lawyer of the Year.

- **Probono Committee**

A letter is being sent to judges to receive feedback and recommendations. The committee will meet late April or early May. Award will be presented at Rusty Duncan.

## **Old and New Business**

### **Member's Comments**

Have a written policy to obtain amicus to put on the website, Warren Wolf will submit to Gary. Board member stated Justin McShane is looking forward to coming back.

### **MOTION: John Raley, TCDLA Honorary Member**

The Executive Committee voted to approve John Raley as a TCDLA Honorary Member. Board was asked if anyone opposes, no oppositions.

### **Declaration of Independence Project, Robert Fickman**

TCDLA and HCCLA will coordinate together. NACDL has agreed to follow Texas. TCDLA will send a letter to urge all affiliates to join in reading of the Declaration of Independence over a weeklong period.

**MOTION: Adjourn at 12:50 pm.**  
Motion made by Gary Trichter. Motion carries.

Respectfully submitted,  
Joseph A. Martinez  
Executive Director