



TCDLA Board of Directors Meeting Minutes

Friday, June 10, 2011
Henry B. Gonzalez Convention Center
San Antonio, Texas

Introduction

Bill Harris calls the meeting to order at 3:35 pm. A quorum was present.

Roll Call:

Officers

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

Directors

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

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

P Warren Alan Wolf
E Reagan Wynn

Associate Directors

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

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

*Conference Phone

Past Presidents in Attendance: David Bires, Betty Blackwell. David Botsford, Mark Daniel, Tim Evans, Ron Goranson, H.F. Rick Hagen, Michael Heiskell, Robert Hinton, Scrappy Holmes,

Dan Hurley, Craig Jett, Robert Lerma, Edward Mallet, E.G. Morris, Vincent Perini, Stanley G. Schneider, Bill Wischkaemper.

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

MOTION: Electronic voting

6/2/2011 Resolution approved for Judge Hervey majority voted in favor of resolution.

MOTION: TCDLA Bylaw Changes

Discussion regarding bylaw changes. Majority by show of hands to have paper ballot. Amendments were made to bylaws in addition to sections being split into 11 sections. Paper ballot distributed for votes. See below for ballot with amendments for votes.

10 - In favor 53 - Against 0 - Abstain

#1 | ARTICLE VII—BOARD OF DIRECTORS

Sec. 2. Executive Committee. The Executive Committee shall consist of the officers of the Association, the editor of the *Voice for the Defense*, and other Association members appointed by the President up to six additional members. ~~and two members of the board of directors appointed by the President.~~

9 - In favor 50 - Against 4 - Abstain

#2| ARTICLE VII—BOARD OF DIRECTORS

Sec. 5. Vacancies.

A vacancy occurring in the Board of Directors caused by the death, resignation, or removal of the person elected thereto may be filled by appointment of any eligible member by the President, subject to confirmation by the Board of Directors. The president shall give preference to those eligible members who have most recently applied for a board or associate board position. Further preference shall be given to those applicants who are either from the same district where the vacancy exists or where a district is under represented. The president can nominate any other member to fill a vacancy after the applicant preferences and pool have been considered.

25 - In favor 34 - Against 3 - Abstain

#3| ARTICLE VII—BOARD OF DIRECTORS

Sec. 5. Vacancies.

Confirmation shall be secured by a quorum of the directors so long as each director received ten days notice of the vote. The failure of any director to send in his or her vote within ten days after the date the poll is placed in the mail to him or her shall NOT be counted as a vote for confirmation. For quorum purposes, a director may choose to abstain from actually voting by timely sending in a vote of abstention.

10 - In favor 49 - Against 3 - Abstain

#4| ARTICLE IX—ELECTIONS

Sec. 2. Nominations Committee.

Prior to January 31st of each year, the President-Elect shall appoint a Nominations Committee consisting of all officers and at least one member but no more than 3 members from each of the Association's membership areas ~~and all officers~~. No district shall have more than one vote. Past-presidents may be appointed to the committee but shall be non-voting members.

28 - In favor 31 - Against 3 - Abstain

#5| ARTICLE IX—ELECTIONS

Sec. 2. Nominations Committee.

The ~~President-Elect is~~ 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 that are open for election or re-election. 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.

[Amendment approved June 28, 2008, TCDLA Annual Meeting, San Antonio, Texas.]

7 - In favor 56 - Against 0 - Abstain

#6| ARTICLE IX—ELECTIONS

Sec. 3. Nominations

(a) A voting member may nominate a qualified member for an office or for director or associate director from the floor only if the Nominations Committee nominee is deceased, withdraws, or is otherwise disqualified.

(b) A qualified member who desires election as an officer, director, or associate director of the Association may file a petition to that effect. Such petition shall set forth the office sought and shall have attached to it the signed statements of twenty (20) members who believe the petitioner is qualified for such office or directorship and will perform the duties imposed by the office sought. ~~Petitions for President-Elect shall also contain the statements of at least ten (10) officers and/or directors in support thereof.~~ A qualified member desiring to be elected to the office of President-Elect shall be required to have an additional 30 signed statements of members who believe the petitioner is qualified for that office and will perform the duties imposed by that office. Such petition shall not be required of those nominated by the committee under Section 2 of this article. Petitions for election to an office, directorship, or associate directorship must be delivered to the Executive Director at the main office of the Texas Criminal Defense Lawyers Association in Austin, Texas, 50 days prior to the annual meeting.

10 - In favor 53 - Against 0 - Abstain

#7| ARTICLE IX—ELECTIONS

Sec. 3. Nominations

(c) A member is disqualified to be an officer candidate where the member is either married to or has an intimate relationship with a Texas Criminal Defense Lawyers Association or Criminal Defense Lawyers Project full-time or part-time employee.

6 - In favor 57 - Against 0 - Abstain

#8 | ARTICLE IX—ELECTIONS

Sec. 3. Nominations

(d) An officer becomes disqualified from office where the person has filed as a judicial candidate for the Texas Court of Criminal Appeals. This disqualification will be valid only so long as either TCDLA or CDLP are financial grant recipients or applicants from the Court of Criminal Appeals.

17 - In favor 46 - Against 0 - Abstain

#9 | ARTICLE IX—ELECTIONS

Sec. 3. Nominations

(e) In nominating Directors and Associate Directors, the Nominating Committee shall give preference to applicants from TCDLA Districts that do not yet have a representative.

27 - In favor 33 - Against 2 - Abstain

#10 | ARTICLE IX—ELECTIONS

Sec. 4. Voting Procedure

(a) Written ballots shall be mailed, e-mailed, or faxed to members in good standing no later than 30 days prior to the annual meeting. To be valid, ballots must be returned by the member and received by the Executive Director no later than ten days before the annual meeting. Each member in good standing shall be entitled to one vote for each contested race. The results of the voting shall be announced when the ballots have been counted and a winner determined, but in no event later than at the annual meeting.

16 - In favor 45 - Against 1 - Abstain

#11 | ARTICLE IX—ELECTIONS

(b) If ballots are mailed, the envelope shall be clearly and conspicuously marked: “TCDLA Voting Ballot.” If emailed or faxed, the “subject” or “Re:” line will be clearly and conspicuously marked “TCDLA Voting Ballot.” The ballot sent shall have a place provided for the member to both print and sign their name. Only legible and signed ballots will be counted. Members can return their ballots by mailing, faxing, or emailing them to the Executive Director.

MOTION: Bylaw Vote Counts

To let membership know at Annual Board Meeting vote count for each item. Motion made by Mark Daniels, seconded by Clay Conrad – motion carries.

TCDLA Membership Directory, Bill Harris

Discussion regarding membership directory printed verses electronic. Estimated cost of printed directory is \$26,000. Board members made suggestions: Do a simple copy not bound, like a phone book; send out cd to membership with pdf with instructions; Working on app;

electronic version is up to date; send out email order form; sell paper copy to membership to go electronic.

MOTION: Membership Directory Order Form

Send out order forms to members – directory on cd or electronic member's only online free, printed membership directory for \$20, place order by certain date. Motion made by Craig Jett, seconded by Carole Powell – 27 for, 26 against. Motion carries.

MOTION: Adjourn at 5:20 pm.

Meeting adjourned at ####. Motion made by

Respectfully submitted,
Joseph A. Martinez
Executive Director