



TCDLA Board of Directors Meeting Minutes

Saturday, September 24, 2011
Wyndham Hotel
Austin, Texas

Introduction

J. Gary Trichter, President calls the meeting to order at 9:49 am. A quorum was present.

Roll Call:

Officers

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

Directors

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

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

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

Associate Directors

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

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

Past Presidents in Attendance: Richard Alan Anderson, David Botsford, Mark Daniel, Ronald Goranson, Bill Harris, Michael Heiskell, Daniel Hurley, Robert Lerma, E. G. Morris, Cynthia Hujar Orr.

Staff: Joseph Martinez, Melissa Schank, Donna Hurta, Rick Wardroup, Jamie Williams, Craig Hattersley, Cristine Abascal, Miriam Rendon, Nicole Golan, Amanda Martinez.

Inspirational Readings, J. Gary Trichter

To start board meetings off on a positive note, Gary has instituted inspirational readings to take place at the beginning of each TCDLA board meeting with the hope this will continue as a tradition. The first reader was Bennie Ray followed by Rob Fickman.

Recognition of Guest – John Boston, former TCDLA Executive Director.

Comments from the President

Gary thanked course directors for their hard work.

- NHTSA SFST Refresher Course, August 10, 2011, Houston, Lance Platt.
- 9th Annual Top Gun DWI co-sponsored with Harris County Criminal Lawyers Association, August 11-12, 2011, Houston, Danny Easterling, Grant Scheiner and Earl Musick.
- Sexual Assault, September 22-23, 2011, Austin, Marjorie Bachman, Sam Bassett and E. G. Morris.

MOTION: Minutes

Approve minutes from June 10, 2011 TCDLA Board Meeting and June 11, 2011 TCDLA Annual Meeting both held in San Antonio. Motion made by Danny Easterling, seconded by Larry Boyd. Motion carries.

MOTION: Approve Electronic Votes

- 1) 8/9/11 - Deandra Grant to replace Russell Wilson on the board, 91 for; 2 opposed. Motion carries.
- 2) 8/30/11 - PDF membership directory emailed to all members, 31 for; 16 opposed. Motion carries.

Bylaws Committee Report, Coby Waddill and Adam Kobs

Coby and Adam discussed the pros and cons of electronic voting. Pros include: cost savings, reach ability and ease of use. Cons include: lack of confidence, resistance to change and lack of structure.

Gary Trichter applauds all of the board members who attended the Sexual Assault Seminar. He also congratulated Kameron Johnson and the Travis County Juvenile Public Defender's Office on its 30 Year Anniversary.

Fallen Heroes and Heroines, J. Gary Trichter

Gary observed a moment of silence for members recently deceased: William "Bennie" House, Pat Barber, Elaine M. Ferguson and Robert Kahn. Stan Schneider's mother, Sadie Schneider, also passed away.

Executive Director Report, Joseph Martinez

- The Seminar Report regarding late fees will be addressed during the next Executive Committee Meeting in Houston per Gary.
- **Staff Anniversaries**

Joseph thanks TCDLA staff individually for their hard work and dedication. Miriam Rendon celebrates her fifth year with TCDLA, while Nicole Golan and Amanda Martinez both have been with the association one year.

- **Financials**

The books for FY 2011 will be closed November 30, 2011. The CCA has approved to pay rent for last year for \$39,000 and then again for this year at \$39,000.

- **Complimentary Memberships**

Board members have three complimentary memberships to distribute, starting June 1, 2011.

- **Membership Demographics**

Melissa explained that four to five generations will soon be together in the workforce and that each group has its preference regarding its modes of communication. Currently, the fourth generation is in the workforce, next year the fifth generation will join. Melissa welcomes any suggestions regarding introducing new technology.

- **Membership Directory**

If you would like to add a photo to the on-line directory it is optional. Email your picture to Melissa Schank at mschank@tcdla.com if you are interested.

- **Meeting with the Texas State Bar President and TCDLA**

The meeting consisted of Buck Files and Joseph Martinez. Items discussed included: electronic ballots, CLE/on-line/ebooks, video/phone conferencing, collecting criminal defense pro bono hours and collaborating on legislative hours.

- **Psychodrama**

John Ackerman will host a four day Psychodrama Innocence Clinic in Round Top at the Festival Institute. January 11-14, 2012, 50 spots available. Tuition: \$750 per person. Public Defenders will have travel stipends available. CDLP, TCDLEI and TCDLA funded.

Publications and Capital Assistance Report, Rick Wardroup

TCDLA has added a new book this year on the Texas Constitution for a total of 15 publications. The new versions of publications will be available in approximately six weeks. Thank you to those individuals who have volunteered to help proof-read the material.

Seminars coming up in November: Forensics in Dallas and Capital Murder Defense in South Padre Island.

Strike Force Committee, Michael Heiskell

- Rob Fickman and JoAnne Musick will go to Beaumont to file an amicus brief from TCDLA for them to intervene on behalf of a lawyer there who has had sanctions filed against him in municipal court.
- Cynthia Orr discussed the amicus brief which was submitted to the court on behalf of TCDLA in Bexar County. The hearing regarding the judge who signed the search warrant for the attorney's work product is set for October 11th at 9:30 am in the 379th.

Budget and Finance Committee, Sam Bassett

TCDLA's membership continues to increase. The big issues for FY 2012 are: CCA rent cooperation; the money will go into the reserve account, re-implement some staff salaries and

retirement contributions, plan to pay the reserve account back in FY 2012 - \$50,000, allocated \$10-\$15,000 for technology and a fundraising consultant will be hired per board approval.

MOTION: Approve the FY12 Budget

Motion made by Sam Bassett, seconded by Nicole DeBorde. Motion carries.
Bill Harris abstained.

Voice for the Defense, Greg Westfall

Since mid-February the *Voice for the Defense On-Line* has had 350,000 hits. The website is becoming very popular, very fast. Currently, there are 170 followers. As a result, more articles are coming in for the paper edition. Greg encourages all board members to familiarize themselves with the on-line version of the *Voice*. The print version runs \$80,000 per year and the on-line version costs \$10,000 per year. Greg asks that members, "...be authors and be out there."

Technology Committee, Melissa Schank for Grant Scheiner

Melissa Schank, Assistant Executive Director gave an update on technology. TCDLA will work with Grant Scheiner, Chair of the Technology Committee on the following items this year:

- 1) Updating the TCDLA application for the iPhone and Droid platforms, overall feedback from members has been positive
- 2) Developing an organization app for TCDLA's website which will include paying dues, registering for a seminar or purchasing publications
- 3) Having web videos available for online cle's
- 4) Top 5 TCDLA legal publications sellers will be available on Amazon for eBooks
- 5) Looking at different options for committee meetings: one and two way video conferences

Rusty Duncan 2012, Melissa Schank

Next year's Rusty is June 7-9, 2012. The Course Director's are Troy McKinney, Doug Murphy and Stephanie Stevens. The Associate Director's are: Sarah Roland, Marjorie Bachman and Sharon Curtis. Next year the format will be a little different with three tracks going on continuously with lots of options, smaller sessions and more hands-on. There is going to be a fun run and healthier options available. We will be instituting the "first time" ribbons again. Send suggestions to Melissa or any of the course directors.

Members Trip, Napa Valley

Trip is scheduled for February 15-19, 2012. Contact TCDLA for more trip information. Member's trip will not exceed budget.

Other Commission and Taskforce Reports

- Texas Forensics Science Commission – ten names were submitted to the Governor and TCDLA is waiting for his selection.
- Public Integrity Commission – Lance Evans indicated that the attorney general's office sited jurisdictional issues prior to 2005. But there are other components to the commission that are still beneficial such as education and promoting best practices in forensic science. They issued a report on the Willingham case and the State Fire Marshall's Office seems receptive to the recommendations made.

Affiliates, Bobby Mims

They are trying to organize an affiliate in Corpus Christi.

CLE Topics, Danny Easterling

Danny is looking for CLE topics that members want, popular and practical—please provide any input possible.

Ethics Committee, Gary Trichter

Robert Pelton was not present, Gary wanted to give the committee a “huge atta’ boy” for their success. “They have helped and continue to help a lot of lawyers.”

Hall of Fame, John Boston

- If you know someone who has made a significant contribution to the legal profession then please email him, contact the home office or Scrappy Holmes.
- John wants to put together a history of TCDLA.
- Joseph thanked John Boston for his gracious behavior and mentoring for the last nine and a half years.

Corrections and Parole, David O’Neil

- Discussed briefly a federal case by Bill Habern and Richard Gladden.
- The prisons have cut their medical budget by 20% and the educational budget by 27%.

Federal Law, Richard Anderson

- Thanks TCDLA staff for their help with registration for the CLE in Abilene.
- Federal Criminal Law Seminar in New Orleans—March 8-9, 2012. Course Directors are Richard Anderson and Henry Bemporad.

Nominating Committee, Lydia Clay-Jackson

Applications for board members starting the 2012-2013 term are available on the website. The submission deadline is 12:00 pm, November 1, 2011.

MOTION: Request for Affiliation from Galveston County Criminal Defense Lawyers Association.

Motion made by Gary Trichter, seconded by Coby Waddill. Motion carries.

Old and New Business

- Bill Harris discussed Pat Ryan, a fundraising professional, hired to assist TCDLA and TCDLEI in their fundraising efforts. Bill will have more details to present in December.
- Emmett Harris talked about what uses can be made of TCDLA’s logo *Lady Justice*. The Executive committee will decide on its available uses, and the board will have an opportunity to vote on it.
- Bobby Mims explained that the last Mineola defendant was granted a writ which will free her from prison. Bobby will draft a resolution for the next board meeting.

MOTION: Adjourn at 12:00 pm.

Motion made by Bill Harris. Motion carries.

Respectfully submitted,
Joseph A. Martinez
Executive Director