



## TCDLA Board of Directors Meeting Minutes

Saturday, October 18, 2008, 10:24 am  
Wyndam Garden Hotel, Austin, Texas

### Introduction

Mark Snodgrass calls the meeting to order.

### Roll Call:

#### Directors

P Rick Hagen, Pres.  
P Stan Schneider, Pres-Elect  
P Bill Harris, 1<sup>st</sup> VP  
P Keith Hampton, 2<sup>nd</sup> VP  
P Lydia Clay-Jackson, Treas.  
P Bobby Mims, Secretary  
P Craig Jett  
P Susan E Anderson  
A Kerri K. Anderson-Donica  
E Stephen U. Baer  
A Robert Barrera  
P Sam Bassett  
A Jason Butscher  
P Jaime E. Carrillo  
P Jason Cassel  
P Dan Cogdell  
A Paul Conner  
E Clay Conrad  
P John Convery  
E Harold Danford  
E Jim Darnell  
P Danny Easterling

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

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

#### Associate Directors

E Bruce Ashworth  
P Lawrence Boyd  
E Fred Brigman, III  
P Brent Cahill  
E Erika Copeland  
A Nicole Deborde  
P Emily DeToto  
P Theodore Hargrove III  
P Russell Hunt, Jr.  
E Homero Martinez  
P Franklyn Mickelsen Jr.  
P David O'Neil  
P Bruce Ponder  
P Pheobe Smith  
A George Taylor  
P Gary Udashen

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

Past Presidents in Attendance: Gerry Morris, Tim Evans, Cynthia Orr, J. Frank Maloney, Mike Heiskell, Craig Jett, Mark Daniel, David Botsford, Dan Hurley, Bill Wischkaemper

**Staff:** Joseph Martinez, Cynthia Hampton, Philip Wischkaemper, Dawn Thornburgh, Melissa Schank, Christina Abascal, Craig Hattersley, Miriam Rendon, Diana Vandiver, Susan Fuller

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Susan Strawn, CCA candidate running against J. Price, addressed the Board.

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Minutes from the June 2008 Executive Committee meeting in San Antonio are approved.

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### **Comments from the President, Rick Hagen**

Rick outlines his vision for TCDLA in 2008-09. We will:

- ★ Improve the way we treat membership
- ★ Improve relationship with State Bar (i.e. focus on their President-Elect)
- ★ Improve lawyers' public image
- ★ Distribute video presentation and speech (by David Guinn) condensed to 19 minutes to various entities
- ★ Change events to "Membership" retreats, trips and receptions instead of "President's"

Rick has recommended Gerry Morris and David Botsford for appointment to the State Bar's Criminal Pattern Jury Charge Committee.

Rick thanks Suzanne and Gerry for hosting last night's reception and all the course directors over the last few months. He especially recognizes Philip for his seven years service to TCDLA and work in the capital arena.

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### **Executive Director's Report: Joseph Martinez**

Joseph introduces Dawn Thornburgh, our new CFO, as well as staff members Christina Abascal, Miriam Rendon, and Susan Fuller, who have been with TCDLA for awhile but have not been introduced to the Board. He also commends Craig Hattersley for completing one year with TCDLA.

We have put on 47 CLE events and trained a total of 5300 lawyers. (Compare this to NACDL's 9 seminars and 2800 trained.) We have put on 313 hours of capital training (Philip, John Niland and CAIL).

We have seen a 9% increase in publications and an 18% increase in merchandise sales.

The "Legends" videotaping is going well.

MSE will be in New Orleans in April 2009 and 2010.

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### **Various "House-keeping" Motions: Rick**

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- Motion to move to 4-day work week for Staff
  - Motion Carries
  
  - Motion to increase mileage to conform to state rate of \$0.58½
  - Motion Carries
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- Motion to give three complimentary memberships to each Associate Board and Board member
  - Motion Carries
  
  - Motion to allow members to opt out of a printed directory and use an electronic version
  - Motion Carries
  
  - Motion to raise credit card limits to \$20,000
  - Motion Carries
  
  - Motion to move our credit cards to 1<sup>st</sup> National Bank of Sweetwater
  - Motion Carries
  
  - Motion to open an account at Sweetwater Bank for the funds to train Judges
  - Motion Carries
  
  - Motion to activate the “Safe Harbor” option of staff’s 401K’s
  - Motion Carries
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**Capital Report: Philip Wischkaemper**

There are 308 death eligible cases but only 6 new ones this year. We are getting many more life sentences. The PD’s Office in Lubbock has already gotten 8 life sentences.

On publications, we will be working with GRACE to update the Losch manual. The clerks are also working on the annotated Water Code, the Government Code, other code books, and the Constitution.

Michael Blair’s case was finally dismissed.

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**Conflict of Interest Statement: Bill Harris**

It was adopted in March. Now we will:

Publish in the Voice

Look at NACDL’s statement, which they have now adopted

Think about the conflict between TCDLA & TCDLEI

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**CDLP Report: Mark Snodgrass**

Mark updates the Board on upcoming seminars.

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**Publication Report: Cynthia Hampton**

Sales are going well. We have several new publications planned for after the session. A lawyer from Dallas has offered to write a book on sexual crimes against children. We will be doing new code books after the session again, and updating the cheat sheets as well. The Appellate Manual 2<sup>nd</sup> edition is in its final stages.

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**Voice for the Defense: Emmett Harris**

Rick commends Craig Hattersley for the great lay-outs he has been doing.  
Emmett reports on how we are helping to improve lawyers' public image.

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**Forensic Science Commission: Sam Bassett**

The commission started its first investigations: Willingham and Moon

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**Work Product Privilege: Craig Jett**

The committee has developed proposed rule 515. Craig states he has sent it to the J. Cochran but did not tell her it was approved by the board. Discussion.

- Motion to Table
- Motion Carries

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**NACDL co-sponsorships: Cynthia Orr updates**

We are co-sponsoring two seminars in 2010 and 2011.

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**Membership Trip: Rick**

Trip is to Steamboat Spring, Colorado. Course directors are Lance Evans and Mark Snodgrass

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**Amicus Committee: Mike Heiskell**

The Committee prevented the cops in Ft. Worth from doing blood draws.

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**Board Certification: Rick**

Criminal Law – Buck Files has told Rick that no changes will be made to criminal law specialization. Perhaps state and federal appeals will be combined into just number of appeals to qualify.  
Criminal Appellate Specialization – There will be a push for TBLS to approve this again. Rick prefers not to revisit this issue as TCDLA already voted and took a position last year.

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**Committee Reports: The following committees reported**

- Amicus
  - Board Certification
  - Corrections and Parole
  - Death Penalty
  - DWI – L. Boyd reports on the SOAH rules and Dallas DWI Seminar at Belo
  - Legislative – Keith Hampton reports we have an Agenda
  - Nominations
  - Public Defenders
  - Strategic Planning – Tom Pappas asks for volunteers to serve on core goals
  - Strike force – Mike Heiskell
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**Old & New Business**

Tiffany Martin resignation/complaint: Rick briefly updates the Board

Building issues: Rick reports that Executive Committee passed a motion to allow TCDLA to move into leased space after 60 days notice to TCDLEI.

Pat Metze introduces three of his law students who have joined us for the meeting.

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Adjourn: 12:15 am

Respectfully submitted,  
Joseph A. Martinez  
Executive Director