



TCDLA Board of Directors Meeting
Minutes

Saturday, December 4, 2010, 10:43 am
Radisson Hotel
Fort Worth Texas

12/04/10

Introduction

Bill Harris calls the meeting to order. A quorum was present.

Roll Call:

Officers

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

Directors

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

- P Michael Gross
- P John Heath
- P Theodore Hargrove
- E Sam Lock
- E Constance Luedicke
- P James Makin
- A Jim Marcus
- A Reynaldo Merino
- P Patrick Metze
- P David Moore
- A Marshall Murphy
- E John Niland
- P David O'Neil
- P Kelly Pace
- P Tom Pappas
- P Shawn Paschall
- P Bruce Ponder
- E William Price
- P George Scharmen
- P Fred Stangl
- P George Taylor
- P William Vitz
- A James Whalen
- P Reagan Wynn

- P Gary Alan Udashen
- P Russell Wilson
- E Warren Alan Wolf

Associate Directors

- P Heather Barbieri
- P Micah Belden
- P Rick Berry
- E 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: Richard Anderson, Tim Evans, Ron Goranson, Michael Heiskell, Bob Hinton, Craig Jett, Robert Lerma, E.G. Morris, Cynthia Orr, Vincent Walker Perini, Kent Alan Schaffer, Stanley G. Schneider.

Staff: Joseph Martinez, Dawn Thornburgh, Melissa Schank, Karen Haro

Introduction Welcome, Bill Harris, *President*

Bill Harris welcomes TCDLA New Board Members, Members, Past Presidents, and Guests Philip Wischkaemper who introduced Mark Kradavil, former TCDLA clerk, who annotated some of the code books and is currently working with Judge Cochran.

Micah Belden introduced John Hunter Smith board certified.

Tim Evans introduced Zeke Tyson form Fort Worth who sat with Tim on court appointment.

Bill Harris recognized Don Hasse's award for outstanding lawyer in Fort Worth.

Bill Harris recognized all past presidents: Cynthia Orr, Bob Hinton, Bobby Lerma, Ron Goranson, Richard Anderson, Michael Heiskell, and Tim Evans.

Randy Wilson mentions Elaine Ferguson, a fine attorney, who works with Randy, has been diagnosed with liver and kidney cancer.

Swearing in of new TCDLA board member, Rick Berry, will be done via email.

- Motion, by Stan Schneider, to allow Ron Goranson's return to TCDLA from TCDLEI
- Motion seconded by Craig Jett and Vincent Perini. Motion Carries.

Bill Harris asks Stanley Schneider to serve as parliamentarian.

Bill Harris recognizes Cynthia Hampton's 9 years of service to TCDLA. Cynthia will submit an estimate of time and fee to continue to update the manuals on a contract basis. Reagan Wynn and Gary Udashen will review the Appellate Manual and the Texas Writ and see how much time is needed to update the manuals. Bill Harris states criticism is normal but personal attacks on the listserv should not be. It was not done 25 years ago and should not be done now. We should treat each other as brothers and sisters.

Comments from Bill Harris

Thank you to Mark Daniel and Stephanie Patten for a great turnout at the Sexual Assault Seminar. Thanks to Kameron Johnson – Defending Juveniles Seminar, Richard Anderson – Federal Law Seminars, Gary Trichter and Troy McKinney – Advanced DWI Seminar.

Bill Harris introduces Jim Lavine, President of NACDL, who was a board member during Ron Goranson's presidency. NACDL Officers who served with TCDLA: John Ackerman, Cynthia Orr, Gerry Morris, and Gerry Goldstein. NACDL drives reform affects nationally and the Texas agenda. Recently copartners with Indigent Defense Jim Bethke to look at the larger issues and questions of delivery of service for those who need it. NACDL is taking a position regarding the reform. Their standards are well funded and they are working with a pilot program to correct rates and ratios. Free seminars for Padilla, NACDL are getting word out, over 700 registered. They are working with minority lawyers to increase the outreach program to teach and bring new lawyers.

NACDL February program will not be a joint program. After the first 100 registrants, TCDLA will get 25% off registration and after 100, TCDLA will receive 30% of registration fee. NACDL appreciates the opportunity to work with TCDLA.

NACDL February Seminar

Reception: Anyone who is an attendee paying for the CLE can go to the reception for free. NACDL instituted a change this year allowing attendees to go to the reception for free, but if not an attendee, including NACDL board members and spouses, the fee must be paid. The way NACDL understood the contribution given by TCDLA would be for seminar attendees to help underwrite this fee. Bill asked Craig Jett if he wants to amend the motion from the previous board meeting. Bill would like this delegated to the executive committee. Total of \$10,000 (\$8,000 from TCDLA and \$2,000 from SACDLA). Stan Schneider thinks this is a board decision not an executive committee decision. Motion not amended.

Minutes from the September 2010 Board meeting in Austin are approved.

- Motion, by Bobby Lerma, to approve minutes
 - Motion seconded by Mike Heiskell. Motion Carries.
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Recognition of Fallen Heroes and Heroines

Lydia Clay-Jackson reports: Don Brown and Nate Dais were appointed to represent in a predominant case regarding custodian Clarence Banley for murder. Montgomery County found Clarence guilty and sentenced to death. Don Brown and Dick DeGuerin worked on Habeas and decision was over turned. A month ago Don Brown gave up fight with pancreatic cancer. We lost a great champion.

Sam Bassett reports: We have lost Kristi Couvillon at age 36 to post partum depression. She was survived by her husband and child; she was an associate board member.

Appointments

Bill Harris appoints Marjorie Bauchman to serve as associate board member. Stephen Baer resigned from the board and Steven Gordon has been appointed.

- Motion by Stan Schneider to approve the replacements
 - Motion seconded by Shawn Paschall. Motion Carries.
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Executive Director's Report, *Joseph Martinez*

Introduction of new staff: Rick Wardroup will start March 1st, 2011. Both Cynthia Hampton and John Niland interviewed Rick Wardroup to fill Philip Wischkaemper's position.

Staff Anniversaries: Bertha and Joseph have served TCDLA for the past 9 years.

Cristina Abascal and Craig Hattersley – 3 years

Dawn Thornburgh – 2 years

Trent Johnson and Jamie Williams – 1 year

Cynthia Hampton's position will be posted on the listserv soon and we hope to have a member fill her position.

Recognition to participants, members, speakers, and course directors for the training of 1,800 in the last 3 months. Special recognition for Melissa Schank.

TCDLA Legends Update: Missing three interviews – Judge Bobo, Cynthia Orr and Stan Schneider.

Grant Submissions: none at this time

Texas Tech Management Recommendations: no report

Capital Assistance Report: no report

CDLP Committee, David Moore

Nine seminars in the last quarter and trained over 1,400 criminal defense attorneys. Thanked all involved.

Approved at CDLP committee meeting a \$2,000 honorarium for Don Clarkson for the John Ackerman Psychodrama Seminar for Public Defenders; will verify with court. Craig Jett questioned what would happen if the grant does not pay. This will be addressed at that time. John Ackerman gave a description about the program and the benefits to criminal defense attorneys.

- Motion by Micah Belden to approve the honorarium to be paid by TCDLA if the grant does not.
- Motion is seconded by Stan Schneider. Motion Carries.

If Public Defenders do not fill the 60 slots, then it will be opened to criminal defense attorneys. Additional programs added this spring: Kerrville HOG Trial Tactics, Comstock Trial Tactics.

Lydia Clay-Jackson promoted Trial College. Applications must be submitted now. Only 80 slots available.

Budget Committee Report, Emmett Harris

TCDLA FY 2011 Budget Update

Voice for the Defense, Greg Westfall

Greg displayed Voice online. test.voiceforhedefenseonline.com. Features all columns and covers. Website will allow download of all issues all the way back to 1971. Targeted completion date is January 1, 2011. There are blogs – public and private for members. Greg gave a demonstration on blog. Archives sections are key word searchable. Articles can be submitted. This is the first criminal state organization to do this project.

Criteria for Filing Grievances, Emmett Harris

We have been asked to participate as the association to file. Emmett Harris suggest for existing or future requests that there is a committee to review the request, report to the executive committee to approve.

Filing Grievances Committee.

Bill Harris forms a Filing Grievances Committee.

- Motion by George Scharmen to accept committee. Committee Chair Emmitt Harris. David Moore, Bob Hinton, Dan Hurley, Angela Moore to assist.
 - Motion seconded by Craig Jett. Motion Carries.
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24th Annual Rusty Duncan Advanced Criminal Law Course, Bob Hinton, Lance Evans, Grant Scheiner

Bob Hinton reports the course directors will meet today. Goal is to have over 1,000 in attendance.

Members Trip, Bill Harris

Bahamas Cruise and CLE, February 7-11, 2011. It is still possible to attend; rate may be higher.

Committee Reports

- a) Amicus, Regan Wynn – no report
 - b) Board Certification, Grant Scheiner – no report
 - c) Budget & Finance, Emmett Harris – deferred to executive committee; will be sent out electronically
 - d) Correction & Parole, David O’Neil – no report
 - e) CPS Taskforce, Shawn Paschal – no report
 - f) Death Penalty, Jack Stoffregen – 17 executions for the year, seven less than last year. Regional Public Defenders has picked up an additional 52 counties.
 - g) DWI, David Burrows – no report
 - h) Federal Criminal Practice, Richard Anderson – no report
 - i) Hall of Fame, Scrappy Holmes – no report. Bill Harris asked the board to keep him in their thoughts and prayers. They have two nominations.
 - j) Indigent Defense, Don Hase – no report
 - k) Innocence, Jack Blackburn – no report
 - l) Lawyers Assistance, Kelly Pace – no report
 - m) Legislative, Mark Daniel – Rick Hagen reports TCDLA has budgeted for Kristin Etter and David Gonzalez for \$5000. Keith Hampton will not be part of the legislation this year. Expunctions will be addressed this year. Gary Trichter would like something with government code and the rest will be the defense work. TCDLA will stay out of discovery all together.
 - n) Nominations, Gary Trichter – Ready to go. Craig Jett states there may be an issue on nominations regarding Clay Conrad. Clay Conrad would like to be eligible for a second term. John Ackerman asked to defer to Nominating Committee and Stan Schneider seconds. Favor – 23, oppose – 14- pass to table.
 - o) Public Defender, Jack Stoffregen – no report
 - p) Strategic Planning, Sam Bassett – regrouping for plan next year
 - q) Strike Force, Michael Heiskell – Strike Force should help all criminal defense attorneys that are appropriately representing their clients. There should be guidelines as to what is appropriate and what is not.
- Motion, by Mike Heiskell, to approve Strike Force is to help all criminal defense attorneys who are appropriately representing their clients.
- Motion seconded by George Scharmen. Motion Carries.
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Listserve Committee

Bill Harris forms a Listserve Committee to review and solicit input from those using the listserve. Committee Chair Bobby Mims. Bobby Lerma and Micha Belden to assist. Report at next meeting.

Bill Habern raises concern regarding the Texas Prison Consultant advertisement in the Voice. Bill states we have a motion that no attorneys can advertise. Executive Committee adopts policy that advertisement can be a benefit to members. Motion, by Rick Hagen, to approve advertising. Motion seconded by Micah Beldon. Motion to table by Craig Jett. Seconded and Motion to table carries.

Joseph states staff will make the initial screening and Greg Westfall will make the final decision before a contract is in place. Mark Daniel suggests we narrow this down.

Voice Advertisement Committee

Bill Harris forms a committee. Committee Chair Jim Darnell. Mark Daniel and Tim Hargrove to assist.

501 (c) (3) follow up from September 2010 Board Meeting:

Clay feels CDLP and TCDLA should get a divorce.

501 (c) (3) Committee.

Bill Harris forms a 501 (c) (3) Committee: Committee Chair Dan Hurley. Ron Goranson, Michael Gross, Clay Conrad, Bruce Ponder, and Tim Evans to assist.

State Bar of Texas Committee of Defense Guidelines

Tony Odiorne stated a number of cases were made regarding adoptions. State Bar wants to work with TCDLA. Will report in March.

iPhone Application, Grant Scheiner

Only criminal law organization to have application. Next step is to commit financial resources and teach everyone how to use application. Proposed to select either the Android or Blackberry. Trends: Android phones are exploding. Android applications have gone from 600 to 100,000. Bids range from \$8,000 to \$20,000. Grant recommends Law Box, which is the same company we used for the iPhone application. They want to create a web application accessible by everyone. Recommended to budget \$8,000 plus an additional \$4,000. Have ready prior to Rusty Duncan. Included in the funds is an iPad for the office.

- Motion, by Stan Schneider, to approve budget.
 - Motion seconded by Larry Boyd. Motion Carries.
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Mark Griffith reports on case in Ellis County regarding ease dropping in the District Attorney's Office. FBI is investigating.

Lawyer of the Year Committee.

Bill Harris forms a Lawyer of the Year Committee. John Ackerman, Micah Belden, Stan Schneider.

Pro Bono Award Committee.

Bill Harris forms a Pro Bono Award Committee. Angela Moore, Philip Wischkaemper, Susan Anderson.

Written Report will be put on website when available:

Timothy Cole Innocence Commission – Kathryn Case

Texas Forensics – Lance Evans

Indigent Defense Taskforce – Knox Fitzpatrick and Tony Odiorne

Public Integrity Commission – Gary Udashen

Joseph will send an email out to all board members to offer a one hour remedial orientation conference call.

Adjourn: 12:50 pm

Respectfully submitted,

Joseph A. Martinez

Executive Director