



TCDLA Board of Directors Meeting
Minutes

Saturday, December 13, 2008, 10:26 am
Marriott Golf Club Hotel, Ft. Worth, Texas

Introduction

Rick Hagen calls the meeting to order.

Roll Call:

Officers

- P Rick Hagen, Pres.
- P Stan Schneider, Pres-Elect
- P Bill Harris, 1st VP
- P Keith Hampton, 2nd VP
- P Lydia Clay-Jackson, Treas.
- P Bobby Mims, Secretary

Directors

- P Susan E Anderson
- P Kerri K. Anderson-Donica
- P Stephen U. Baer
- P Robert Barrera
- P Sam Bassett
- A Jason Butscher
- E Jaime E. Carrillo
- E Jason Cassel
- A Dan Cogdell
- P Paul Conner
- P Clay Conrad
- P John Convery
- E Harold Danford
- P Jim Darnell

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

- A Sheldon Weisfeld
- P James Whalen
- P Russell Wilson, II
- A Warren Wolf
- P Reagan Wynn

Associate Directors

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

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

Past Presidents in Attendance: Bob Hinton, Scrappy Holmes, Dan Hurley, Mark Daniel, Tim Evans, Richard Anderson, Mike Heiskell, Craig Jett, Gerry Morris, V. Perini

Guest: Robert Guest of Dallas

Staff: Joseph Martinez, Cynthia Hampton, Philip Wischkaemper, Melissa Schank

Minutes from the October 2008 Board meeting in Austin are approved with the following correction: the Minutes should have stated TCDLA had to wait 60 days before leasing a building. That time is

now expired.

Comments on Recently Deceased Warriors

- **Doug Tinker:** Tim Evans
- **Homero Martinez:** Ray Rodriguez

Rick announces that Ray Rodriguez has been appointed to Homero's spot on the Associate Board. Resolutions will be drafted and sent to each of their families.

Comments from the President, Rick Hagen

Rick reviews his goals for TCDLA in 2008-09. We will:

- ★ Improve the way we treat membership (have "Membership" retreats, trips and receptions instead of "President's")
- ★ Improve relationship with State Bar (Gerry Morris and David Botsford were appointed to the State Bar's Criminal Pattern Jury Charge Committee) and local bars
- ★ Improve lawyers' public image

Rick thanks Dan Hurley and Bob Hinton for hosting the party in Ruidoso.

We need resolutions congratulating the following members who have been elected to the bench or a prosecutor's office:

- ★ Shawna Reagan: Harris County Dist Court
- ★ Kevin Fine: 177th Dist Court
- ★ Carlos Barrera: CCL# 8, Travis County
- ★ Kenda Culpepper: DA in Rockwall County
- ★ Isidro Alaniz: DA in Webb & Zapata Counties
- ★ Manny Barraza: DA El Paso County

Rick recognizes staff anniversaries.

Executive Director's Report: Joseph Martinez

Prairie Dog has been changed to March.

Financials: CCA owes us \$\$ for salaries (\$24,00 & \$73,000)

Directory complaint: we had a complaint from a member that he had not gotten his name in the directory because his dues had lapsed. We send notices by email, fax and snail-mail that lapsed members must bring their memberships current by a certain date or they will not be included in the directory. Short of calling every member, we really don't know what more we can do. We are looking at how best to handle these matters when they occur.

Motions: Rick

- Motion to close our Compass Bank account (for Innocence funds)
 - Motion Carries

 - Motion to continue with the 401K for staff
 - Motion Carries
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NACDL Co-sponsorships

Gerry Morris reports on NACDL's plan to come to Texas in 2010 and 2011 and wants us to help with their seminars. Stan wants to know whether they will be in Houston in the Fall of 2010 because HCCLA will have a seminar on December 3rd.

Auditor: Bill Harris

We have looked at three and recommend the firm of Montemayor, Hill & Company, PC.

- Motion to retain the above accounting firm
 - Motion carries
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Ray Rodriguez asks for a collection to be taken up for Homero's family. A hat is passed around.

Legislative Session

Rick compliments our team. Anything we do as individuals must be cleared thorough our team.

TCDLEI

Rick reports on the split and restructure. Rick has appointed Coby Waddill to the Associate Board to take Brent Cahill's place, as Brent has resigned from TCDLA.

Lease Space

Nothing to report right now.

Change to Rule 503

The Court has decided not to make any change to the rule.

CLDP

Mark reports (see CDLP Minutes). He thanks Rick and Mistie for the party last night at their home. CDLP has trained over 900 people since September.

New Affiliate Associations

Denton County Criminal Defense Lawyers (DCCDLA) and Southwest Texas Criminal Defense Lawyers (STCDLA) Associations. Joe Cordova reports that the latter is new.

- Motion to accept affiliates
 - Motion carries
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Publication Report: Cynthia Hampton

Not really much to report right now. We have about 30 publications. Sales are going well. Philip and the Lubbock law clerks have been working on non-Penal Code statutes and cases to put in our Code Books (Government and Water Codes) next time we do a re-printing. Everything of course will be updated after the session.

Voice for the Defense: Emmett Harris

Rick commends Craig Hattersley for the great lay-outs he has been doing. He also recognizes Becky Davis, who has been our articles editor for several years. Becky is resigning because of her heavy workload. Jani Maselli of Houston has taken her place.

Bill Harris reports we have collected \$936 for Homero's family.

Committee Reports: The following committees reported

- Corrections and Parole: Dave O'Neil reports on upcoming meeting w/Whitmire. We have the post-conviction seminar in January. A federal court recently declared statute/TDCJ Bd policy re: sex offender condition unconstitutional.
 - Death Penalty: Philip Wischkaemper and John Niland report. 391 death-eligible cases. Fewer going to trial now. Only 14 death sentences this year so far by lawyers who don't come to our seminars. Working on a practical guide to mental health issues and diminished capacity is being studied. 6 training programs planned. No death verdicts in Harris County. W. TX Cap. Def. Office has had 13 cases, but so far no death verdicts. We had 100+ at Padre. Feb in Houston we'll have capital/habeas. Evid Boot Camp at CAIL, CAPTAP later next year. John's interns are working on future dangerousness instructions for LWOP.
 - DWI – L. Boyd reports no SOAH rules changes so far. Dallas DWI Seminar in May at Belo with David Burrows is in the works.
 - Federal: Richard Anderson says the Federal Rules committee may make some changes. The DOJ favors changing Rule 15.
 - Lawyers Assistance – Kelly Pace reports the State Bar knows how to get in touch with our committee. They also have a video for ethics. Call Kelly for more info.
 - Legislative – Keith Hampton reports we have bills in place. The House is particularly volatile this session.
 - Nominations – Stan invites all Past Presidents present to attend the meeting.
 - Strategic Planning – Tom Pappas asks for volunteers to serve on core goals.
 - Strike force – Mike Heiskell reports the new members of the committee are Bill Torrey and Jim Granberry. There is a matter going on with a judge in Dallas.
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Membership Trip: Rick

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

New Business

Joseph reports Hervey wants us to recommend Judges who handle 11.07 writs well. He asks everyone to email Cynthia with the names.

Robert Guest presents his ideas for an open records database. He proposes TCDLA to create this database for members to upload and access items such as DWI manuals, prison disciplinary documents, and others that are public information.

Adjourn: 12:04 pm

Respectfully submitted,
Joseph A. Martinez
Executive Director