



## TCDLA Board of Directors Meeting Minutes

Saturday, June 14, 2014  
Henry B Gonzalez Convention Center  
San Antonio, Texas

### Introduction

Bobby Mims, President calls the meeting to order at 11:33 am. A quorum was present. Bobby recognized all the past presidents, guests and new board members.

### Roll Call:

#### Officers

P Bobby Mims, President  
P Emmett Harris, Pres-Elect  
P Sam Bassett, 1st VP  
P John Convery, 2nd VP  
P David Moore, Treasurer  
P Mark Snodgrass, Secretary  
P Michael Gross, *Voice*  
Editor

#### Directors

A John Ackerman  
A Susan Anderson  
P Marjorie Bachman  
P Heather Barbieri  
A Rick Berry  
P Fred C. Brigman, III  
P F. Clinton Broden  
P Jaime Carrillo  
P Jason Cassel  
A Harold Danford  
P Nicole DeBorde  
P Emily Detoto Munoz  
P Robert Fickman  
P Steven Gordon  
P Deandra Grant

P Melissa Hannah  
E Theodore Hargrove,  
III  
P Jo Ann Jacinto  
P Laurie Key  
P Jeanette Kinard  
P Adam Kobs  
A Michael McDougal  
P Patrick Metze  
P David O'Neil  
P Anthony Odiorne  
P Shawn Paschall  
P Stephanie Patten  
P Oscar Pena  
A Bruce Ponder  
P Carole Powell  
P Bennie Ray  
P Ray Rodriguez, Jr.  
P Sarah Roland  
P John Hunter Smith  
P Clay Steadman  
P George Taylor  
E Gary Alan Udashen  
P William Vitz  
P Charles Coby Waddill  
A James Whalen

P Jani Wood

#### Associate Directors

P Robert Barrera  
P Curtis Barton  
P Donald Flanary, III  
P Steve Keathley  
P Bradley Lollar  
P Louis Lopez  
P Hiram McBeth  
A Michael McCrum  
P George Milner, III  
P Angela Moore  
P Simon Purnell  
P Jeremy Rosenthal  
P David Ryan  
A Edward Stapleton, III  
A John Stickels  
P Oscar Vega

Key: P = Present; \*via phone, E = Excused Absence; A = Unexcused Absence

**Past Presidents in Attendance:** David Botsford, Charles Butts, Mark Daniel, Tim Evans, William Harris, Scrappy Holmes, Dan Hurley, Edward Mallett, Gerry Morris, Stanley Schneider, Bill Wischkaemper

**Staff:** Patricia Cummings, Joseph Martinez, Melissa Schank, Rick Wardroup, Mari Flores, Cindy Escobar, Nitu Gill

**President Announcements:** Bobby welcomed everyone to the board meeting.

**Recognitions, *Bobby Mims***

Bobby gave a moment of silence for recognition of fallen heroes Randy Taylor (Paris) and Bill Leonard (Fort Worth).

**General Counsel and Lobbyist, *Patricia Cummings***

Patricia is incredibly excited about the new position and thrilled to be a part of the organization. She is more than happy to talk to anyone who needs assistance or has any suggestions for the agenda. She has been reaching out to affiliates. Patricia is aiming for a much more steady presence at the legislature on behalf of TCDLA. Michael Morton will be supporting TCDLA to continue our efforts to have the Morton Act followed throughout the state in a consistent manner.

**Executive Director's Report, *Joseph Martinez***

- Welcomed board members and members to San Antonio. He and Bertha gave thanks for giving both of them the opportunity to serve TCDLA. Thanked Bobby for an extraordinary year of leadership and growth. Round of applause was given. Staff are committed to providing any and all resources and support for Patricia and the legislative committee in whatever way possible.
- **Seminars** - Gave recognition to Melissa Schank for Rusty Duncan, applause given. Melissa thanked the awesome fabulous staff, and board for allowing her to work with TCDLA. Joseph stated Rusty Duncan current count at 834; we knocked it out of the ballpark!
- **Staff anniversaries** - Joseph recognized TCDLA staff anniversaries: Joseph also recognized Cristine Abascal for celebrating six years and Tracy Casares for achieving three years; Mari Flores for two years.

**Budget and Finance Committee, *David Moore***

David gave a recap of May financials and stated we should close out the year with a profit. In order to sustain next year's budget the executive committee made several cuts that impact mainly staff and board members. Other cuts were reducing coffee at seminars and trimming other smaller line items. All members' benefits remain intact. David stated Patricia Cummings was a huge asset to our organization.

**Dues Increase, *David Moore***

Dues have not been increased since the 1980's. In order to generate more revenue for legislative efforts for the upcoming year it is recommended by the Executive Committee to raise dues.

**MOTION: Motion to increase dues effective 8/1/2014 by:**

**Regular Members from \$150 to \$180 (\$30 increase)**  
**Sustaining Members from \$200 to \$230 (\$30 increase)**  
**Voluntary Sustaining Members from \$300 to \$330 (\$30 increase)**  
**Students Members no increase remain at \$20**  
**Past Presidents Members from \$50 to \$100 (\$50 increase)**  
**Texas/Federal Public Defenders Members from \$50 to \$60 (\$10 increase)**  
**Paralegal, Affiliates, Investigators, Experts Members from \$50 to \$80 (\$30 increase)**  
**Distinguished Members from \$50 to \$80 (\$30 increase)**  
**New Members no increase remain at \$75**

**Motion made by Joe Connors, seconded by Nicole DeBorde: 1– against, motion carries.**

**Voice for the Defense, *Michael Gross***

Michael stated Voice for the Defense is coming along very well. A spreadsheet was distributed to sign up for the Voice for the Defense for board members to write an article. Michael and Grant Scheiner can assist you in writing, editing an article. This is a published magazine print and online.

**CDLP, *Michael Gross***

Michael asked for a round of applause for co-chair Kelly Pace. He also encourages new young blood to attend the “Trainer for Trainers” in South Padre and start with CDLP to get your speaking career started. Many have become future leaders of the organization and end up speaking at TCDLA events including Rusty Duncan. CDLP has trained this year 2,620. Kelly was instrumental in this year’s programs. Michael thanked this year’s CDLP speakers and committee and asked for a round of applause. Applause was given by the board.

If you attend the event the “Trainer for Trainers” in South Padre you will be able to sign up for this year’s upcoming theme seminars. Kelly Pace, CDLP chair for 2015 will have a sign up sheet onsite.

**Declaration Reading, Robb Fickman**

Robb announced we will have reading throughout Texas on July 3<sup>rd</sup>. We need to have three more counties signed up. Robb gave the history and stressed the importance of Independence Day and the declaration readings. Bobby commended Robb on all his efforts and tremendous organization of this nationwide event.

**MOTION: Minutes – March 8, 2014**

**Motion to adopt the minutes from the TCDLA Board Meeting on March 8, 2014 in Houston made by Rick Berry, seconded by Heather Barbieri - motion carries.**

**MOTION: to approve electronic votes**

- **Electronic Vote, Hall of Fame recipients: Ron Goranson, Stan Schneider, David Botsford**
- **Electronic Vote, Percy Foreman Lawyer of the Year recipients: Keith Hampton, Michael Ware**

- **Electronic Vote, Charles Butts Pro Bono Lawyer of the Year recipients: Angela Moore, Cassie Gotro, Mark Stevens**

**Motion made by Carole Powell, seconded by Sarah Roland – motion carries.**

**South Padre Invite to Events, *Emmett Harris***

Emmitt invited everyone to come together to South Padre Island for Trainer for Trainers, CLE and Members Trip!

- Wednesday, July 16-20, 2014 – Members’ Retreat with Emmett Harris
- Wednesday, July 16, 2014 – Trainer of Trainers
- Thursday/Friday, July 17-18, 2014 – Trial Strategies
- Saturday, July 19, 2014 – TCDLA/TCDLEI/CDLP Orientation

**Indigent Defense Task Force, *Jim Bethke and Tony Odiorne***

Thanked Bobby for the significant outreach, this last year has been the most collaborative and productive relationship since interception in 2002. Information will be provided to Patricia. The Task Force will be asking for increase funding. Jim commented on the fantastic decision to hire Patricia Cummings as General Counsel and liaison.

Authorized worksheet to calculate time spent, board has voted on a simple process. Board voted on a \$700,000 managed assigned counsel program in Travis County to be similar to Lubbock County. Comal county training is under way, Tony welcomed any questions.

**Pardons and Parole, *David O’Neil***

The Committee is preparing a draft TCDLA Resolution addressing the problems presented by the organizational structure of State Counsel for Offenders, that has prevented that office from functioning as a professional public defender’s organization as envisioned in the American Bar Association’s Ten Principles of a Public Defense Delivery System. Nicholas Hughes has provided briefs for the TCDLA Brief bank to assist those defense attorneys defending clients who have been civilly committed as sexually violent predators and are being prosecuted for violating the terms of their civil commitment. Effective in April, 2014, the Board created a new parole Panel in Austin.

**Amicus Brief, *Angela Moore and Gena Bunn***

Gena Bunn, co-chair, gave an overview of her work this year on the exparte case for Richard Wayne Jones, challenging the amendment for evading arrest. Stan Schneider really stepped up on this case.

Bobby congratulated Angela Moore for being one of the recipients for this year’s Pro-Bono Award. Angela thanked everyone and stated the award belongs to everyone on the committee. She thanked David Schulman for all his assistance this year. If you have any case you need assistance contact Angela or anyone on the committee. Angela, David and Patricia are working on current Amicus that has come back down to the court of criminal appeals.

Bobby thanked everyone that is on this committee for working so hard especially David Schulman who has stepped in and assisted. Bobby asked for applause by the board.

### **Capital Assistance, *Rick Wardroup***

Capital litigation has been a very busy and active year with prosecution this year. This year if you go to trial with a capital case you have an 80% chance you will end up with a death sentence. TCDLA is doing training all over the state to assist.

Rick is involved with the following programs: Trainer for Trainers is a visual based program; Forensics in October in Dallas presented by scientists to allow us to understand information and attorneys to help present better; Capital Case Litigators, federal grant in February in San Antonio to bring your team and an active case. Rick assists with CAIL for Capital Trial College, Capital Voir Dire, Terry McCarthy program and Chapter 38 program.

If you know someone who is interested in consultation, needs and expert referral or to brainstorm a case contact Rick, that is what he is here for and enjoys doing it.

### **Committee Reports**

#### **Legislative, *Mark Daniel***

Bobby commended the legislative effort on enhancing TCDLA's position in the last 18 months. Mark thanked the TCDLA board, officers, Patricia Cummings, Allen Place and David Gonzalez. TCDLA legislative has been brought to another level, he stressed the importance of legislation and how it affects members and clients. Patricia gives us a presence on the front and represents TCDLA which we have not had in the past. The legislative committee met yesterday, 80% is playing defense. Mark gave the defense plan for the upcoming year. Mark thanked Bobby Mims for his leadership and doing it with such class – board applause was given.

#### **Affiliates, *Ray Rodriguez***

No report at this time. Ray thanked Bobby for his service this year.

#### **By-Laws, *Coby Waddill and Adam Kobs***

Bobby congratulated Coby on becoming Judge at the beginning of the upcoming year. No new By-laws at this time. Bobby thanked the chairs for their recent opinions.

#### **TLAP, *Kelly Pace***

Written report in materials.

#### **Membership, *Danny Easterling***

Membership benefits are great. Current members is 3,211, new members 274, renewing members 1,337.

#### **Prosecutorial Misconduct – *Sarah Roland***

The committee has been busy in the last few weeks on a death penalty case in Jackson county where Robbie Bell is the prosecutor. Matter that was referred is conflict of interest representing witnesses in the case that could also be sitting in the defendant's chair that could also be state witnesses. The committee has made a recommendation to the Executive committee that TCDLA file a grievance against him.

### **DWI, *Mark Thiessen***

Mark thanked Bobby Mims for his courage for this tough year, thanked Mr. Harris for nominating him as the DWI chair next year. American Chemical Society will certify you as a Lawyer Scientist after taking four classes in Chicago. They will be sending you to the State Bar for recognition. Tyler Flood has compiled and accomplished enough signatures for a petition to seek DWI Specialization within the SBOT, currently NCDD is the only one recognized by SBOT. There are rumors of a new organization called Texas DWI Defense Lawyers Association, more research needs to be done regarding competition and conflict of interests.

### **Public Defenders, *Jo Ann Jacinto***

Jo Ann is forming the committee and welcomed anyone who wants to join the committee to contact her.

### **Rural Practice, *Clay Steadman***

The committee continues to meet and work on upcoming issues. Clay invited anyone that would like to participate to join the committee – he needs members.

### **Strike Force, *Nicole DeBorde***

There have been several developments that have gone away with time as the committee has been ready to respond. Most recent was a defendant not showing up to court and judge investigating the attorney; this too was resolved with committee on standby. If you need representation while representing a client Strike Force is here for you.

### **Old and New Business**

#### **Waco Update, *Susan Johnston and Stan Schwieger***

Waco has become Williamson county North, the issue is regarding judges are in an uproar of increase defense costs. They have an excellent criminal defense bar. NACDL, TCDLA and other organizations are willing to assist. Local newspaper printed an article regarding Indigent Defense coordinator setting up home visits with investigator who is a deputy sheriff who investigates if they are truly indigent. He goes to the homes and two have been arrested, since this has begun people are refusing assistance.

#### **NACDL, *Gerry Morris***

Gerry Morris will be President of NACDL in 2016 when Sam Bassett will be TCDLA president. Gerry also stressed the need for assistance in Waco. He also stated those who are entitled to court appointments are not signing up because they do not want the police in their homes. Gerry suggests there be a local task force formed in which NACDL will have a point person to talk to. NACDL has a very active committee that addresses these specific issues; if there is something the national organization can do they will provide the assistance. Gerry will be the 10<sup>th</sup> president from Texas and out of the ten – five were TCDLA presidents! Gerry will be sworn in July 25, 2015 in Denver. Hope to see you in Denver!

#### **Bobby asked if any of the members had comments.**

- Joe Gamez had concerns with items with Michael Morton and specifically having Waco issues cleared up.

- Robb Fickman stated Bobby Mims met with Michael Morton regarding reciprocal discovery and Bobby amongst others worked really hard to ensure we did not have reciprocal discovery. Applause was given.
- Bobby thanked Troy McKinney for putting a lot of work on the verbiage for the bill, this would not have happened without him. Bobby asked for a round of applause for Troy McKinney – applause was given.

### **Awards/Recognitions**

Emmett Harris presented Bobby Mims with a contribution to TCDLEI in his name for the amount of \$400 from the officers.

### **Nominations, Emmitt Harris**

Emmett presented the 2014-2015 slate of officers, directors and associate directors for the board as recommended by the nominations committee.

### **MOTION to approve the slate of nominations for 2014-2015 officers:**

**Emmett Harris, President**

**Sam Bassett, President-Elect**

**John Convery, 1<sup>st</sup> Vice President**

**David Moore, 2<sup>nd</sup> Vice President**

**Mark Snodgrass, Treasurer**

**Kerri Anderson-Donica, Secretary**

**MOTION made by Ron Goranson, seconded by Deandra Grant – motion carries.**

### **Swearing in of President Emmett Harris, Bobby Mims**

Bobby swore in Emmett Harris as TCDLA President 2014-2015. A round of applause was given by the board! Bobby presented Emmett with the TCDLA gavel.

### **Swearing in of 2014-2015 Officers, Emmitt Harris**

Emmett swore in 2014-2015 officers. Emmett congratulated and welcomed everyone.

**MOTION to accept new and renewing directors and associate directors made by Sam Bassett, seconded by David Moore – motion carries.**

### **Swearing in 2014-2015 new and renewing Directors and Associate Directors**

### **Pinning of Past President, *Emmett Harris***

Emmett pinned Bobby Mims with past president ribbon. Emmett thanked Bobby for having the pleasure to serve with him this past year. Bobby thanked members and board.

### **Comments by Incoming President, *Emmett Harris***

Emmett addressed the board by thanking them for this highest and humbling honor he has been given. Emmett gave an overview of his upcoming year and asked everyone: Who are we, what are we about, and what are we supposed to be doing? Emmett talked about TCDLA's purpose,

the constitution, and our precious rights. He commented on the audience which is a more diverse and wide spread group from small and large cities, which pleases him.

Emmett closed with stating the members are all fighters which we must do every day but not with each other! The purpose also states we are to encourage cooperation between lawyers! When people look at TCDLA members they will see encouraging and cooperating lawyers. We must be united and are capable to do so in order to fight our fights and the enemies to promote justice as a common good – rediscover how much fun it is to encourage each other!

**MOTION to adjourn at 1:12 pm. Made by Emmett Harris, seconded by Bobby Mims – motion carries.**

Respectfully submitted,  
Mark Snodgrass  
TCDLA Secretary