



TCDLA Board of Directors Meeting Minutes

Saturday, September 13, 2014
Crowne Plaza
Dallas, Texas

Introduction

Emmett Harris, President calls the meeting to order at 10:45 am. A quorum was present. Emmett recognizes all the past presidents, guests and new board members.

Roll Call:

Officers

<u>P</u> Emmett Harris, President	<u>P</u> Steven Gordon	<u>P</u> Clay Steadman
<u>P</u> Sam Bassett, Pres-Elect	<u>A</u> Deandra Grant	<u>A</u> George Taylor
<u>P</u> John Convery, 1st VP	<u>P</u> Melissa Hannah	<u>P</u> Gary Alan Udashen
<u>P</u> David Moore, 2nd VP	<u>P</u> Theodore Hargrove, III	<u>A</u> Oscar Vega
<u>P</u> Mark Snodgrass, Treasurer	<u>P</u> Jo Ann Jacinto	<u>E</u> Charles Coby Waddill
<u>P</u> Kerri Anderson-Donica, Secretary	<u>A</u> Steve Keathley	<u>P</u> Jani Wood
<u>P</u> Michael Gross, <i>Voice</i> Editor	<u>P</u> Laurie Key	

Associate Directors

<u>A</u> Roberto Balli
<u>E</u> Robert Barrera
<u>P</u> Curtis Barton
<u>P</u> Michael Head
<u>P</u> Susan Kelly
<u>P</u> Bradley Lollar
<u>A</u> Louis Lopez
<u>P</u> Hiram McBeth
<u>P</u> Audrey Moorehead
<u>P</u> Jeremy Rosenthal
<u>P</u> David Ryan
<u>P</u> Frank Sellers
<u>P</u> Monique Sparks
<u>P</u> Courtney Stamper
<u>P</u> Mark Thiessen

Directors

<u>E</u> John Ackerman	<u>P</u> George Milner, III
<u>P</u> Susan Anderson	<u>E</u> Angela Moore
<u>P</u> Marjorie Bachman	<u>P</u> David O'Neil
<u>P</u> Heather Barbieri	<u>P</u> Anthony Odiorne
<u>A</u> Rick Berry	<u>P</u> Stephanie Patten
<u>E</u> Fred C. Brigman, III	<u>A</u> Oscar Pena
<u>P</u> F. Clinton Broden	<u>A</u> Bruce Ponder
<u>E</u> Jim Darnell	<u>E</u> Carole Powell
<u>E</u> Nicole DeBorde	<u>E</u> Bennie Ray
<u>E</u> Emily Detoto Munoz	<u>P</u> Ray Rodriguez, Jr.
<u>E</u> Robert Fickman	<u>E</u> Sarah Roland
<u>E</u> Don Flanary	<u>P</u> John Hunter Smith
	<u>E</u> Ed Stapleton

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

Past Presidents in Attendance: Richard Anderson, Mark Daniel, Ron Goranson, William Harris, Craig Jett, Bobby Mims, Gerry Morris, Vincent Perini

Guests: Chris Abel, Kristin Brown, Cassie Gotro, Robert Guest, Allen Place, Cynthia Hampton, Keith Hampton, Carmen Roe, Bill Trantham, Philip Wischkaemper

Staff: Patricia Cummings, Joseph Martinez, Melissa Schank, Rick Wardroup, Mari Flores, Cris Abascal

President's Comments, *Emmett Harris*

Emmett asked past presidents to stand and recognized each president and thanked them for their presence and institutional knowledge, good faith and dedication to TCDLA. Emmett also thanked and appreciates Robb Fickman, Bill Trantham and Bobby Lerma for what they do in representing TCDLA on the panhandle and far south in Texas. Emmett was grateful for Nicole DeBorde and Regan Wynn, Strike Force chairs for their commitment and recent committee training. Buck Files was acknowledged for his devotion to his column in which he continuously meets the *Voice for Defense* deadlines. Emmett salutes the three Court of Criminal Appeal Judges who are departing. Emmett commended Grant Scheiner and Danny Easterling for another successful Top Gun DWI.

Recognition of Fallen Heroes, *Emmett Harris*

A moment of reflection was given for Luciano Rodriguez from Laredo, Texas and JR Smith from Center, Texas.

MOTION: Minutes – June 13, 2014

Motion to adopt the minutes from the TCDLA Board Meeting on June 13, 2014 in San Antonio made by Kerri Anderson-Donica, seconded by John Convery - motion carries.

General Counsel, *Patricia Cummings*

Patricia gave an overview of TCDLA's legislative efforts. She explained that we anticipate an effort by prosecutors to amend the Michael Morton Act. She also told the group that efforts would be made to reduce the waiting time for obtaining nondisclosure, ranging from no wait and up to a two year wait depending on the offense. She stated that an effort would be made to raise the age of majority for criminal responsibility from 17 to 18. Allen Place stated the Senate will have six new members and a new lieutenant governor.

Executive Director's Report, *Joseph Martinez*

Joseph welcomed board members and members to Dallas.

- **Annual Report** – Joseph congratulated TCDLA, our board members, and members who served as course directors and speakers for our CLE in the past year. Thanks to our TCDLA staff for their efforts over the past year TCDLA and CDLP rank as the third largest CLE provider with 36,777.25 total cle hours. First were the State Bar of Texas and second University of Texas Law School. Now let's have another successful year of putting on the best CLE in the State.
- **Staff anniversaries** - Joseph recognized Cristina Abascal for her professional work as she celebrates six years, a round of applause was given.
- **Seminars, *Melissa Schank***

Melissa encouraged everyone to attend and support the following seminars and have a successful year:

- 12th Annual Forensics - October 9-10, 2014 – Dallas
- Advanced Skills Training - October 22-26, 2014 – Round Top
- 10th Stuart Kinard Advanced DWI - November 6-7, 2014 – San Antonio
- Defending Those Accused of Sexual Offenses, December 4-5, 2014 – Fort Worth

- **Membership, *Melissa Schank***

Current membership is 3387 increased due to several renewing early before dues increase. Review the expired list emailed, also included in packets is an expired members lists for past year – please help to encourage reinstatement for members in your area. Board comp membership list are in packets contact those you sponsored who have not renewed. Each board member gets three board comps to distribute annually for new members.

- **Publications, *Rick Wardroup***

Rick is working on updating a section of the Losch manual with the Gulf Regional Advocacy Center, GRACE, the group who updated the manual in 2006. GRACE originally projected the completion of their update for nearly a year ago. Rick has offered to complete the parts of the manual which GRACE hasn't had time to complete. If the volume isn't complete by the end of the year, Rick will ask for the work done to date and will assume the responsibility of completing the manual for distribution. All other manuals are scheduled for edits after the legislative session.

- **Capital Assistance, *Rick Wardroup***

Rick is working on CCLI program in which complete capital litigation teams bring their case for consultation with experienced litigators from around the country. This is a federally funded event and is the only program where the facts of specific cases can be discussed and brainstormed. We anticipate that the program will run February 9-11, 2014 in San Antonio.

Budget and Finance Committee, *Mark Snodgrass*

Mark thanked everyone that participated in budget conference calls. Mark gave an overview of the budget to date. It is anticipated a profit of \$100,000 for end of FY14. The budget committee has approved and presents a FY15 budget to the board.

MOTION: FY 15 Budget and Staff Bonuses

Motion to approve the FY15 Budget as included in packets and to accept Executive Committee recommendations for staff bonuses from FY14 budget made by Craig Jett, seconded from Susan Anderson – motion carries.

CDLP Committee, *Kelly Pace*

Kelly wanted to remind everyone that speakers volunteer their time, create papers and presentation and thanks them for their devotion. In addition the first training the Team was in Fredericksburg in September. The committee is going to work hard on getting out the information that the training is for the entire office.

Kelly thanked all the course directors for their work on seminars. He is grateful to all the fellow lawyers for their time.

- 5/27 – Michael Morton - Edinburg – Patricia Cummings
- 6/11 – PD Training - San Antonio - Alex Bunin, Jeanette Kinard, Lynn Richardson
- 6/12 – Capital Update - San Antonio - Rick Wardroup
- 7/16 – Trainer of Trainers - South Padre Island - Kelly Pace, Rick Wardroup
- 7/17 – Trial Strategies - South Padre Island – Michael Gross, Bobby Lerma, Kelly Pace, Sheldon Weisfeld
- 7/19 – Orientation - South Padre Island
- 7/25 – Criminal Law Basics co-sponsored w/ ACDLA - Austin - Judge Leon Grizzard, Judge Herb Evans, Joe James Sawyer
- 8/1 – Nuts and Bolts co-sponsored w/ SACDLA – Warren Wolf
- 8/7-8 – Innocence for Attorneys – Jeff Blackburn, Gary Udashen, Mike Ware
- 8/15 – Crimes of Violence co-sponsored w/ Judge Evans, Judge Wahlberg

CDLP Stats for this fiscal year 2014: 9/1/13 to 8/31/14

- 37 seminars
- trained 3,054 at CDLP seminars, cle: 265.50 including 31 ethics hours
- 51 course directors
- 286 speakers
- capital attorneys trained 181, cle: 23.50 including 1 ethics hours

Kelly thanked Rick Wardroup for his assistance in training over 300 attorneys at the Center of American and International Law. Kelly reported FY2015 grant awards. This year CDLP was awarded \$90,225 more which includes \$70,000 to train supporting staff. Innocence remained the same, Public Defenders was increased by \$23.

2015 Grant Awards

\$1,003,887 for CDLP

\$100,000 for Actual Innocence

\$33,059 for Public Defenders

Voice for the Defense, *Michael Gross*

Voice for the Defense is doing great. There will be an online survey which will also be printed in *Voice*.

2015 Rusty Duncan, *Laurie Key*

Laurie reported the course directors met at the home office in Austin and have about 80% of the agenda complete. They are still working on the headliner speakers.

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

The new reporting starts October 15. Information is available online.

Committee Reports

Affiliate Committee, *Susan Anderson, Laurie Key, Carmen Roe*

The committee will be making a proposal to the Bylaw Committee to define the roles and guidelines of an affiliate. Adam Kobs will touch base with committee chairs.

By-Laws, *Adam Kobs*

Adam stated any requested changes for By-laws need to be submitted by the December board meeting so they can be voted on and then have ample time to present to entire membership at June Annual Board meeting.

Corrections and Parole, *David O'Neil*

TDCJ has contracted to have all of their hard copy inmate files, currently stored at the admin building in Huntsville Texas, scanned so that they may destroy the hard copies and retain only digital copies of inmate files. The project is scheduled to take a year. At the end of the scanning project TDCJ will do a quality control check to satisfy them that the project obtained their objective of effectively scanning all the files. If they are satisfied they will then destroy the hard copies.

DWI Resource, *Mark Thiessen*

Mark stated DWI committee feels the newly formed Texas DWI Defense Lawyers Association (TDDLA) is a competitive organization. Mark stated he would like for Gary Trichter to come back and to have David Burrows unite and be training together with TCDLA. Mark stated this conflict needs to be resolved. Board members have a fiduciary obligation to conduct themselves in a fiduciary manner in an organization.

There is concern regarding potential conflict regarding board members competing directly with TCDLA.

MOTION: Conflict of Interest

Motion to follow the conflict of interest policy and give them due process, approaching the association to see if there is a potential conflict, made by Mark Snodgrass seconded by John Convery - motion carries.

In the past those with conflict of interests have asked to not be voting members and when the conflict is no longer an issue they can resume being voting board members.

Emmett wrote an email approximately a week or so ago to Gary Trichter, Troy McKinney and George Scharmen to have a sit down to discuss ongoing concerns. The board has just been notified that Gary Trichter's home has burned down.

Emmett again stressed the importance to promote TCDLA's 10th Stuart Kinard Advanced DWI held November 6-7, 2014 in San Antonio. He graciously thanked Adam Kobs, Mark Stevens and Michael Gross for stepping in, promoting and serving as course director.

Listserve, *William Harris*

Report deferred at this time.

Technology Committee, *Robert Guest*

Robert is requesting speakers and anyone to send in transcripts which will be added to the member's only section.

Old and New Business

MOTION: Approval to request a voluntary contribution for our legislative efforts on membership application and seminar registration forms made by John Convery seconded by Jeremy Rosenthal – motion carries.

MOTION: Board Resolution Recognizing Lubbock Criminal Defense Lawyers Association Celebrating 35 Years of Service made by David Moore seconded by John Convery – motion carries.

MOTION: Board Resolution Recognizing the Honorable Herbert Evans, Justice of the Peace, Precinct 5, Travis County for his work with TCDLA made by Sam Bassett seconded by Kerri Anderson-Donica – motion carries.

MOTION to adjourn at 12:50 pm. Made by Emmett Harris, seconded by Sam Bassett – motion carries.

Respectfully submitted,
Kerri Anderson-Donica
TCDLA Secretary