



TCDLA Board of Directors Meeting Minutes

Saturday, January 11, 2014
Texas Tech Law School
Lubbock, Texas

Introduction

Bobby Mims, President calls the meeting to order at 10:15 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
E John Convery, 2nd VP
P David Moore, Treasurer
P Mark Snodgrass, Secretary
P Michael Gross, *Voice*
Editor

Directors

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

P Melissa Hannah
P Theodore Hargrove,
III
P Jo Ann Jacinto
P Laurie Key
P Jeanette Kinard
P Adam Kobs
P* Michael McDougal
P Patrick Metze
P David O'Neil
E 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
P* Gary Alan Udashen
P William Vitz
E 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
P Michael McCrum
P George Milner, III
P* Angela Moore
P* Simon Purnell
P Jeremy Rosenthal
P David Ryan
P* Edward Stapleton, III
A John Stickels
P Oscar Vega

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

Past Presidents in Attendance: Bill Wischkaemper, Ed Mallett, Bob Hinton, Dan Hurley, Scrappy Holmes, Michael Heiskell

Guests: Philip Wischkaemper, Susan Johnston, Sarah Gunter, Jessica Eaton, Courtney Stamper, Nathan Miller, Chris Abel

Staff: Joseph Martinez, Melissa Schank

MOTION: Minutes, September 28, 2013

Approve minutes from September 28, 2013, TCDLA Board Meeting in Arlington. Motion made by Michael Gross, seconded by Sam Bassett – motion carries.

MOTION: To Approve Electronic Vote October 18, 2013; To add to official Minutes the following motion in advertently left off the March 9, 2013 board meeting minutes the board approved at the September 28, 2013 board meeting held in Dallas.

MOTION: Asking that TCDLA join the TCDLA Judicial Conduct Committee's recommendation to file a grievance against Judge Elizabeth Coker, 258th Judicial District and Judge Kaycee Jones, 411th Judicial District.

Discussion: There has already been a grievance filed by Laura Prigmore (Coldspring). Motion made by Troy McKinney, seconded by Tony Vitz – unanimous decision, none opposed - motion carries.

Motion made by Jason Cassell, seconded by John Hunter-Smith – motion carries.

Recognition of Fallen Heroes and Heroines, *Bobby Mims*

Recognition for fallen members: George Gilkerson from Lubbock by Bill Wischkaemper, Victor Blaine from Houston by Robb Fickman. A moment of silence was given.

Recognition of Joseph Martinez, *Bobby Mims*

Bobby recognized Joseph Martinez for celebrating 12 years of service. He thanked Joseph for his work with the association. Joseph thanked the board for allowing him to serve.

Executive Director's Report, *Joseph Martinez*

- Thanked Michael Gross and Grant Scheiner for all their hard work on the Voice and the long way we have come.
- Thanks and congratulations were given to the board for all the publications. Updates and sales would not have been possible without the board.
- Patricia Cummings has been hired as the staff attorney and will be at the next board meeting.

Budget Committee Report, *David Moore* – David reported TCDLA had a great year. Had a meeting with auditor for internal audit with hopes of receiving a preliminary report for March board meeting. TCDLA is currently on target with budget.

Budget committee recently made a recommendation to bring up at the March meeting for a dues increase. A full written report will be provided. The vote was made by Ron Goranson and Bill Harris - unanimous vote of the budget committee.

Rusty Duncan, Jason Cassell

Agenda is complete with keynote speaker Abbe Lowell secured by Gerry Goldstein. Mark Thiessen and Friday party committee has planned a casino night which will allow for attendees to network and meet new people.

MOTION: to approve Coastal Bend Criminal Defense Lawyers Association as a TCDLA Affiliate Bar made by Mark Snodgrass, seconded by Bill Harris – motion carries.

MOTION: Resolution of Texas Criminal Defense Lawyers Association Board of Directors in Support of the Harris County Criminal Lawyers Association Call for Judicial Reform Related the Granting of Pre Trial Release Bonds and Personal Recognizance Bonds. Presented by Robb Fickman.

Motion made by David O’Neil, seconded by Carole Powell – motion carries.

Whereas, the Texas Criminal Defense Lawyers Association represents over 3500 criminal defense Lawyers in Texas.

Whereas, the Harris County Criminal Lawyers Association represents over 700 criminal defense lawyers in Houston, Harris County Texas.

Whereas, both organizations members and officers swore to support the Constitution of the United States and the State of Texas.

Whereas, in Harris County Texas, there is a longstanding practice among the Criminal Courts to limit the number of Personal Recognizance or Pretrial Release Bonds Granted.

Whereas in 2012, of those charged with misdemeanors who were interviewed by the Harris County Pretrial Service Agency only 7.2% were granted PR or PETR Bonds.

Whereas in 2012, of those charged with felonies who were interviewed by the Harris County Pretrial Services Agency, only 1.1% was granted PR or PETR Bonds. (See: “2012 Annual Report, page 9”: Pre Trial Services, Harris County, Texas)

Whereas, in Harris County Texas, in the County Courts the systematic denial of Personal Recognizance or Pretrial Release Bonds often leads to the Accused being held in jail and pleading guilty on the first setting in what amounts to a “Plea Mill”.

Whereas, in Harris County, Texas, representation in the County Courts often amounts to no more than a “Meet and Plead” practice.

Whereas, the court appointed system in the Harris County Misdemeanor courts is broken” to such an extent that confidential attorney-client communications are rare, the individual defendant is(often) not represented in any meaningful way, and actual innocence could conceivably go unnoticed and unchampioned .” Wilbur v. Vernon

Whereas, such meaningless representation has been rejected as contrary to the dictates of the United States Constitution by federal courts; most recently such a charade of justice has been rejected by the Honorable Robert S. Lasnik, in Wilbur v. Vernon, C11-1100RSL. (12-4-13)

Whereas, The Harris County Criminal Lawyers Association has called upon the Fifteen Harris County Criminal Courts to Stop the systematic denial of Personal Recognizance Bonds in Harris County and to reform Harris County’s long-standing “Plea Mill” or “Meet and Plead” system.

Whereas, the Harris County Criminal Lawyers Association has offered in good faith to work with the Harris County Criminal Court Judges to bring about long overdue reform.

Be It Resolved, that the Texas Criminal Defense Lawyers Association joins the Harris County Criminal Lawyers Association in calling on the Fifteen Harris County Criminal Court Judges to immediately reform Harris County’s long-standing notorious “Plea Mill” or “Meet and Plead” System.

Be it Further Resolved, that the Texas Criminal Defense Lawyers Association offers full support to the Harris County Criminal Lawyers Association in its call for immediate reform.

By-Laws, Adam Kobs

No changes recommended. Adam congratulated Coby Waddill on new baby girl!

Parole, David O’Neil

David reported if you have a new brief to send to him we will put on the TCDLA website. He is trying to work with board on incentives for state counsel for offenders to notify and exparte for sex offenders.

CDLP Report, Michael Gross

Michael recapped the CDLP seminars for past quarter. Michael thanked Kelly Pace as co-chair for CDLP. New Lawyer 101 programs are one hour lunch cle’s for students to hear local speakers and get them involved. \$500 is available for local bars to have a cle event with TCDLA – Harold Danford was the first to have one in conjunction with TCDLA, he did a good job!

Mental Health, Carole Powell

Carole reported jail diversion committee in El Paso is not effective due to no prosecutors involved with process. Email Carole if you are engaged in any committees regarding mental health.

DWI, Mark Thiessen

DWI committee met today regarding direct competition seminars. A written recommendation will be submitted.

Nominations, *Emmett Harris*

Nominations committee met yesterday and will have a formal slate to present.

Prosecutorial, *Sarah Roland*

Sarah gave an update.

Hall of Fame, *Dan Hurley*

MOTION: To approve Ron Goranson, David Botsford and Stan Schneider for 2014 Hall of Fame recipients made by David Moore, seconded by Bennie Ray – motion carries.

Voice, *Michael Gross*

Grant Scheiner had a great idea to circulate topics to write in the Voice. Each board member is encouraged to sign up. Part of board member responsibilities is to write two voice articles.

Memo Bank, *Tip Hargrove*

Preserving a lot of good information – visit the memo bank on the website.

Announcement, *Bobby Mims*

Bobby wanted to thank Pat Metze for hosting TCDLA at the Texas Tech Law School. Special recognition to: David Hazlewood; LCDBA President and for chauffeuring everyone, David Hazlewood, Dan Hurley, Chuck Lanehart & Bill Wischkaemper; course directors, Jill Stangl and the party committee, Denton Outlaw Grillers especially Bill Trantham hailing his smokers at 4:00 am!

Robb Fickman presented a declaration of independence to staff for gratitude for Declaration of Independence efforts. Staff graciously accepted.

Emmitt Harris stated: we officers and directors have the privilege to speak for over 3,000 lawyers all across the state;

together we face many issues that threaten the rights of citizens;

our bylaws describe our purpose as including the duty "to encourage cooperation between lawyers engaged in the furtherance of these objectives";

the issues on which we occasionally differ are eclipsed by those on which we agree;

that when faced with these few pesky disagreements we need to treat each other civilly as we search for agreement;

and that we should not allow divisions of opinion to distract us from our broader purpose for existence as an association.

**MOTION to adjourn at 10:58 am. Made by Michael Heiskell, seconded by Adam Kobs—
motion carries.**

Respectfully submitted,
Mark Snodgrass
TCDLA Secretary