



TCDLA Board of Directors Meeting Minutes

Saturday, April 1, 2017
Doubletree Hotel – Franklin Ballroom
El Paso, Texas

Introduction

John Convery, President calls the meeting to order at 10:40 am. A quorum was present.

Roll Call:

Officers

<u>P</u> John Convery, President	<u>P</u> Jim Darnell	<u>P</u> John Hunter Smith
<u>P</u> David Moore, President-Elect	<u>E</u> Donald Flanary	<u>P</u> Monique Sparks
<u>P</u> Mark Snodgrass, 1st VP	<u>A</u> Stephen Gordon	<u>P</u> Courtney Stamper
<u>E</u> Kerri Anderson-Donica, 2nd VP	<u>A</u> Keith Hampton	<u>A</u> Ed Stapleton
<u>E</u> Grant Scheiner, Treasurer	<u>A</u> Melissa Hannah	<u>A</u> Mark Thiessen
<u>P</u> Michael Gross, Secretary	<u>A</u> Michael Head	<u>A</u> Oscar Vega
<u>P</u> Sarah Roland, <i>Voice</i> Editor	<u>P</u> Steve Keathley	
<u>A</u> Sam Bassett, Immed. Past President	<u>E</u> Susan Kelly	

Associate Directors

<u>P</u> Chris Abel
<u>P</u> Jorge Aristotelidis
<u>A</u> Kristin Brown
<u>E</u> Anne Burnham
<u>E</u> Danny Easterling
<u>E</u> Casie Gotro
<u>P</u> Russell Gunter, II
<u>E</u> Thuy Le
<u>P</u> Nathan Miller
<u>P</u> Patrick O’Fiel
<u>E</u> Michelle Ochoa
<u>P</u> Scott Pawgan
<u>E</u> Carmen Roe
<u>E</u> Jessica Skinner
<u>P</u> Gregory Waldron
<u>A</u> Russell Wilson, II

Directors

<u>E</u> Susan Anderson	<u>P</u> Jim Darnell
<u>A</u> Marjorie Bachman	<u>E</u> Donald Flanary
<u>P</u> Roberto Balli	<u>A</u> Stephen Gordon
<u>E</u> Heather Barbieri	<u>A</u> Keith Hampton
<u>E</u> Robert Barrera	<u>A</u> Melissa Hannah
<u>E</u> Curtis Barton	<u>A</u> Michael Head
<u>E</u> Rick Berry	<u>P</u> Steve Keathley
<u>E</u> Fred C. Brigman, III	<u>E</u> Susan Kelly
<u>A</u> Clinton Broden	<u>P</u> Laurie Key
	<u>P</u> Adam Kobs
	<u>A</u> Bradley Lollar
	<u>A</u> Louis Lopez
	<u>P</u> Jani Maselli Wood
	<u>P</u> Hiram McBeth
	<u>A</u> George Milner, III
	<u>A</u> Angela Moore
	<u>P</u> Audrey Moorehead
	<u>E</u> Anthony Odiorne
	<u>E</u> Stephanie Patten
	<u>P</u> Oscar Pena
	<u>A</u> Bennie Ray
	<u>E</u> Ray Rodriguez, Jr.
	<u>P</u> Jeremy Rosenthal
	<u>P</u> David Ryan
	<u>P</u> Frank Sellers

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

Past Presidents in Attendance: Dan Hurley, Edward Mallett, Bobby Mims, Cynthia Orr

Staff: Andrea Keilen, Joseph Martinez, Melissa Schank, Rick Wardroup, Mari Flores

Guests: John Hunter, Jeep Darnell, Frank Brown, Michelle Tuegel, Sarah Gunter, Joey Moody

President’s Comments, *John Convery*

John Convery welcomed everyone and appreciated everyone for coming out to El Paso. John is thankful for everyone's support of El Paso. We have had wonderful hospitality and delicious food in El Paso.

John thanked the TCDLA Course Directors and recognized everyone who worked so hard on the following seminars.

TCDLA Seminars 11/16/16 – 2/15/17

- 12/1/2016 – Defending Those Accused of Sexual Offenses – San Antonio – Heather Barbieri, Mark Stevens
- 1/27/2017 – 4th Annual Lone Star DWI – Austin – Rick Flores, Mark Thiessen, Deandra Grant
- 2/12/2017 – Law of The C's - Criminal Defense Cle - President's Trip – Cruise – John Convery

TCDLA Stats for this fiscal year 2017: 9/1/16 to 2/15/17

- 8 seminars
- trained 859 at TCDLA seminars, cle: 96.25 including 6 ethics hours
- 15 course directors
- 82 speakers
- capital attorneys trained 118, cle: 19.75 cle including 0 ethics hours

John was especially excited to see Tim Evans attend and participate in the 40th Annual Tim Evans Texas Criminal Trial College. John thanked Joseph, Melissa, Mari and Rick, a round of applause given to staff for all they do for TCDLA.

MOTION: Minutes – December 3, 2016

Motion to adopt the minutes from the TCDLA Board Meeting on December 3, 2016, in Dallas, made by Michael Gross, seconded by Laurie Key - motion carries.

MOTION: Approve 12/28/16 Board Electronic Vote for Amicus Brief– Case of Matthew Clendennen: 8-0 made by David Ryan, seconded by Sarah Roland – motion carries.

MOTION: Approve 1/3/17 Board Electronic Vote for Amicus Briefs (\$400) – 1) Waldrip/Tharp, 2) Ramirez/Tamayo made by David Ryan, seconded by Jim Darnell – motion carries.

TCDLA 2016 Audit Report, *John Convery*

Once again we are doing great with controls in the home office and have received a clean audit report. Special thanks was given to Mari Flores.

Fallen Heroes, *John Convery*

A moment of silence was given for: Mel Bruder - Dallas, Frank Sohr - Carrollton, Jim Shaw – Fort Worth, James M. Martin – Corpus Christi, Van G. Hilley – San Antonio, John Heath Sr.- Nacogdoches, Billy Ravkind – Dallas

Voice for the Defense Report, Sarah Roland

Sarah reported Michael Mowla is doing the SDR, and is doing an excellent job. We also have an Assistant Editor for *Voice*, Steven Gustitis.

General Counsel Report, *Andrea Keilen*

Andrea gave an update on current bills proposed at session.

MOTION: TCDLA opposes the expansion of Pretrial Detention expansion in Texas, made by David Moore, seconded by Adam Kobs – motion carries. Information will be sent out to members to keep them up to date.

Executive Director’s Report, *Joseph Martinez*

Joseph thanked the entire board for their continued support.

- **Staff Anniversaries** - Joseph recognized Melissa Schank 13 years, Rick Wardroup 6 years, Mari Flores 5 years, Alex Rangel 3 years and Andrea Keilen 1 year. A round of applause was given.
- **Declaration Reading Project** – Staff are working with Robb Fickman and Chuck Lanehart for this coming year’s reading.

MOTION to approve Personnel Manual changes –

Comp Time add: Once submission of resignation is submitted from that day forward the use of comp time is not available.

Holiday Time add: Employees are not paid for unused holiday time if you leave or upon termination of employment.

Sick Leave add: Employees are not paid for unused sick time if you leave or upon termination of employment. Once submission of resignation is submitted from that day forward the use of sick time will require a doctor’s note.

Motion made by Mark Snodgrass, seconded by David Moore – motion carries.

Motion: Money Transfer

Motion to transfer \$65,000 from reserves into TCDLA Operating account as Executive and Budget Committee have approved. Motion made by John Hunter Smith, seconded by Rusty Gunter.

Special Guest Joe Moody

Texas House Representative, Joe Moody spoke to the TCDLA Board.

Seminars, *Melissa Schank*

Rusty Duncan will be held at Hyatt Regency this year. Registration is down by 30 same time frame from last year – help get the word out. We will have a formal Hall of Fame Luncheon – space is limited. Register for the September Child Injury seminar. Working on Tim Evans Texas Criminal Trial College and MSE contracts. Roundtop needs lots of support to get attendees. Met with Nexus Committee on making seminars more successful.

Membership, *Melissa Schank*

Current membership is 3211, retention remains at 60%. Complimentary memberships given in 2015-16 is 65, only 26 comp memberships have renewed, we need board members to contact those they endorsed. Each board member receives a deleted list of members in your area we encourage you to personally contact them. The second year renewals have gone from 2014 - 11%, 2015 - 8%. The first time renewals is where we need board members to assist.

Capital Assistance Report, Rick Wardroup

Rick reported that he served as a small group leader at the Capital Jury Selection training at the Center for American and International law on March 23, 2017. The training was a three day program with lecture and hands-on practice of the process. Approximately 60 lawyers were trained at this event. The Capital Defense College is set to be conducted from April 24-27. This program, too, will be held at the Center for American and International Law. Rick is a course director and presenter at this program. Most important, the Supreme Court decided Moore v. Texas on March 28 and invalidated the use of the *Briseno* factors in the determination of whether a capital defendant is disqualified from receiving a death sentence. Two Texas capital cases have been reversed this court session. Moore and Buck v. Texas.

Publications, Rick Wardroup

Rick gave an update on our publication schedule to start after the session ends.

Bylaws, Adam Kobs

Adam reported the committee will review and table the request to change the Nominations process time frame until the September Board Meeting.

Nexus, David Moore

David reported committee is looking at new topics, new locations. Looking at relationship with CDLP and TCDLA seminars.

Affiliate Committee, Laurie Key

Laurie reported the committee is working with several local bars to offer benefits. Please give them some feedback, TCDA could host and create a website for your local affiliate and set up a listserve.

Strike Force, Nicole DeBorde

Nicole gave an update.

Criminal Defense Lawyers Project, John Hunter Smith

We can do a better job. Let John or Heather know if you want to speak for the upcoming traveling theme seminar. He encourages everyone to speak and come to South Padre in July for good networking and fellowships. We have trained 1,647 at CDLP seminars this fiscal year.

NACDL Update, Michelle Tuegel

NACDL rally involved in public defense, third election with Sam Bassett as an Affiliate, there was another tie so names were drawn out of a hat, and Sam was not selected. NACDL released a body cam report. There were many TCDLA members who volunteered for the Clemency project – this project was very successful.

DWI, John Convery

John reported TCDLA should be strong and all stand together with one voice.

Rusty Duncan, Frank Sellers

Agenda is live, we have an awesome line up.

Technology, Jeep Darnell

Jeep reported he has worked on listserv security. The committee continues to work any glitches. Scott Pawgan will send out a survey to membership on the technology requesting member needs and recommendations.

Women's Caucus, *Cynthia Orr*

Cynthia reported the committee nominated women to Hall of Fame. The committee is also assisting with Legislative efforts. The committee will meet during Rusty at 7:30 am. Pam Colloff from Texas Monthly will be guest speaker.

Awards Committee, *John Convery*

The deadline for applications is April 10, 2017, submit your application.

Membership, *Nathan Miller and Monique Sparks*

Monique and Nathan have created a spreadsheet with over 600 members. They have asked board members to help contact. Board comp get auto renewal for two years at \$100. Board comps that are given by the board members need to build that relationship with members.

Rural Practice, *Clay Steadman*

Reports in packets.

Adjourn

MOTION: Adjourn Meeting

Motion to adjourn meeting at 12:11 pm made by Kelly Pace, seconded by Steve Keathley - motion carries.

Respectfully submitted,
Michael Gross
TCDLA Secretary