



TCDLA Board of Directors Meeting Minutes

Saturday, September 16, 2017
Radisson – Flat Iron/Spring Palace
Fort Worth, Texas

Introduction

David Moore, President, calls the meeting to order at 10:30 am. A quorum was present.

Roll Call:

Officers

<u>P</u> David Moore, President	<u>E</u> Casie Gotro	<u>P</u> John Hunter Smith
<u>P</u> Mark Snodgrass, President-Elect	<u>P</u> Russell Gunter	<u>P</u> Monique Sparks
<u>P</u> Kerri Anderson-Donica, 1st VP	<u>A</u> Keith Hampton	<u>P</u> Courtney Stamper
<u>E</u> Grant Scheiner, Treasurer	<u>E</u> Melissa Hannah	<u>E</u> Mark Thiessen
<u>P</u> Michael Gross, Treasurer	<u>P</u> Steve Keathley	<u>P</u> Gregory Waldron
<u>P</u> Heather Barbieri, Secretary	<u>P</u> Susan Kelly	
<u>P</u> Sarah Roland, <i>Voice Editor</i>	<u>P</u> Laurie Key	
<u>E</u> John Convery, Immed. Past President	<u>A</u> Adam Kobs	

Directors

<u>P</u> Chris Abel	<u>E</u> Thuy Le	<u>P</u> Frank Brown
<u>E</u> Susan Anderson	<u>P</u> Bradley Lollar	<u>P</u> Jason Cassel
<u>E</u> Jorge Aristotelidis	<u>A</u> Louis Lopez	<u>P</u> Brain Eppes
<u>E</u> Marjorie Bachman	<u>P</u> Hiram McBeth	<u>P</u> Ricardo Flores
<u>P</u> Roberto Balli	<u>P</u> Nathan Miller	<u>P</u> Ruth Gomez Serra
<u>A</u> Robert Barrera	<u>P</u> Audrey Moorehead	<u>A</u> Heather Hall
<u>E</u> Curtis Barton	<u>P</u> Patrick O'Fiel	<u>P</u> John Hunter
<u>E</u> Rick Berry	<u>P</u> Michelle Ochoa	<u>P</u> Kelly Pace
<u>P</u> Kristin Brown	<u>P</u> Anthony Odiorne	<u>P</u> George Roland
<u>P</u> Anne Burnham	<u>P</u> Scott Pawgan	<u>A</u> Jed Silverman
<u>E</u> Jim Darnell	<u>A</u> Oscar Pena	<u>P</u> Stephanie Stevens
<u>P</u> Danny Easterling	<u>P</u> Carmen Roe	<u>P</u> Seth Sutton
<u>P</u> Donald Flanary	<u>P</u> Jeremy Rosenthal	<u>P</u> Paul Tu
	<u>P</u> David Ryan	<u>P</u> Michelle Tuegel
	<u>P</u> Frank Sellers	<u>P</u> Michael Ware
	<u>P</u> Jessica Skinner	<u>P</u> Thomas Wynne

Associate Directors

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

Past Presidents in Attendance: David Botsford, Rick Hagen, William Harris, Michael Heiskell, Dan Hurley, Bobby Mims, Vincent Perini

Staff: Joseph Martinez, Melissa Schank, Rick Wardroup

President's Comments, *David Moore*

David Moore welcomed the board to Fort Worth and thanked everyone for taking the time to make the meeting. David asked all past presidents to stand to be recognized, and the board applauded. He thanked all the course directors from the previous quarter. He also gave special recognition to Sarah Roland and John Hunter Smith for putting on the Successfully Defending Child Physical Abuse and Child Death Cases seminar, a round of applause given.

TCDLA Seminars 5/16/17 – 9/16/17

- 6/22-24/17 – 30th Annual Rusty Duncan Advanced Criminal Law Course – San Antonio – Audrey Moorehead, Bobby Lerma, Cynthia Orr, and Frank Sellers
- 8/18/17 – 15th Annual Top Gun – Danny Easterling and Grant Scheiner
- 9/14-15/17 – Successfully Defending Child Physical Abuse & Child Death Cases – Sarah Roland and John Hunter Smith

TCDLA Stats for this fiscal year 2017: 9/1/16 to 8/31/17

- 13 seminars
- Trained 2,225 at TCDLA seminars, CLE: 153.75 including 12 ethics hours
- 29 course directors
- 153 speakers
- Capital attorneys trained 118, CLE: 19.75 CLE including 0 ethics hours

State Bar of Texas President, *Tom Vicks*

David introduced SBOT President, Tom Vicks. Tom gave an overview of the SBOT and what is happening now. The new SBOT Executive Director will be announced September 22, 2017. Tom welcomed any comments regarding the SBOT. Tom will work with David Moore on appointment a criminal defense lawyer to a new committee.

Swearing in of 2017-2018 Directors and Associate Directors, *David Moore*

David swore in the incoming board members who were not present in June. He looks forward to working with each of them.

Recognitions of Fallen Heroes, *David Moore*

David gave a moment of silence in recognition of fallen heroes: Sonny Cribbs (Beaumont), David Hazlewood (Lubbock), Don Richard (Big Spring), Clyde Chandler (Waco), and Rick Allen (Fort Worth).

MOTION: Minutes – June 23, 2017

Motion to adopt the minutes from the TCDLA Annual Board Meeting on June 23, 2017, in San Antonio made by David Botsford, seconded by Michael Gross - motion carries.

DWI Update, *David Moore*

David reported ongoing discussions continue, and he will meet with Billy McNabb and Deandra Grant.

Executive Director's Report, *Joseph Martinez*

Joseph welcomed everyone and stated this had been a unique challenge for the upcoming year. Met with Mark Snodgrass to see what his goals were. Mark said his priority is member services Mark stated his priority is member services and everything should be done for membership. Joseph stressed it was truly an honor to work with this respected group of men and women for the last 17 years. He looks forward to continuing to work with everyone for the coming years.

- **Annual Report** – Joseph went over the annual report included in board packets.
- **Declaration Readings** – Staff is working with Robb Fickman and Chuck Lanehart for the July 3, 2018, readings.
- **Staff Anniversaries** - Joseph recognized Miriam Rendon for celebrating 11 years.

- **Signatories in Austin** – At this time we will not add additional signatories.

Seminars, *Melissa Schank*

Melissa reported CDLP grants were approved 8/25/17 by CCA

- CDLP requested \$1,330,721, approved \$1,330,721 (unawarded \$375,756)
- Innocence – requested \$100,000, approved \$100,000 (unawarded \$61,192)
- Public Defender – requested \$33,000, approved \$33,000 (unawarded \$9,457)

Melissa also encouraged board members to take posters to promote the Stuart Kinard Advanced DWI seminar and How to Kill a Sex Crime seminar. She urged everyone to help market all of TCDLA's seminars.

Membership, *Melissa Schank*

Melissa reported Membership Committee met and is very active this year. The goal for 2018, is to maintain 3,500 members all year which is a 5% increase. The home office did a membership drive for August and brought in \$50,000 revenue. If board members can help with emails and calls we should be able to increase membership as outline in Long Range Plan. Revenue budgeted for FY2017 was \$488,000, \$483,000 was collected. Revenue for membership in FY2018 is \$483,000. A monthly report will be sent to members and a list of non-renewals. Board members are encouraged to contact those in their district.

Publications, *Rick Wardroup*

Rick reported that he has completed reviewing the TCDLA Texas Annotated Criminal Codebooks. The book is currently at the printers. Craig Hattersley is setting the Immigration Manual for the printers. All other publications should be coming. There are significant updates to the Appellate and Search and Seizure Manuals.

Capital Assistance Report, *Rick Wardroup*

Rick indicated that we are attempting to switch the schedule for the Capital/Mental training planned for November training, which is usually in South Padre Island to be moved to February 2018 and that we are replacing that training with a program in Houston for November. He further reported that we were investigating moving the Forensics program from October to December in hopes that we will have the grant funds to put the training on, There is a chance we have to move to August 2018. Rick reported that he participated in Capital Training in Tarrant County and that there was a possibility that similar training would be scheduled for the panhandle due to not having any qualified first-chair attorneys in the 7th or 9th administrative regions. He reported that Julian Kingsley, recently retired from the Birmingham City University School of Law, he was assisting with the update of the Losch Capital Trial Manual.

TCDLA/TCDLEI Harvey Relief Committee, *David Moore*

David praised the TCDLA members who raised to occasion: Danny Easterling, David Ryan, and Thuy Le and, Robb Fickman. David created the committee with checks and balances in place for funds and gift cards collected. He stressed the importance to help our own. David recognized the committee members – Danny Easterling, Chair, and members: Ricardo Carrillo, Wilvin Carter, Susan Criss, Nicole DeBorde, Lance Evans, Tyler Flood, John Gilmore, Tucker Graves, Kathryn Kase, Thuy Le, James Makin, and Sheldon Weisfeld. David recognized Bobby Mims for his generous donation of \$500 and for stepping up to the plate. Audrey Moorehead presented the TCDLA/TCDLEI Harvey relief fund with a check for \$5,000 from the SBOT Criminal Law section. A round of applause was given to everyone for their giving donations.

Budget and Finance Committee, *Michael Gross*

Michael gave an update on the FY17 budget. He thanked all of his Budget Committee members: David Moore, Kerri Anderson-Donica, Marjorie Bachman, Heather Barbieri, Ron Goranson, Tip Hargrove, Craig Jett, John Hunter Smith, and Mark Snodgrass. He also thanked the board members who participated in the budget review calls. Michael reported the Budget and the Executive committee have voted to approve and recommend the FY18 budget to the TCDLA Board.

MOTION: FY18 TCDLA Budget

Motion to approve the FY18 TCDLA Budget made by Russell Gunter, seconded by Roberto Balli – motion carries.

Voice for the Defense, *Sarah Roland*

Several TCDLA Committees have met and will submit articles.

- Affiliates – Affiliate names recognized in *Voice*, highlight an affiliate monthly
- Ethics – continue ethics columns with committee members participation
- Indigent Defense – Pros and Cons of the PD Office, What is a MAC System, Pros and Cons of the Wheel System
- Legislative – Highlight lobbying team and new hire Shea Place
- Mental Health – Handling your First Mental Health Case, Mental Health 101, Educating Attorneys What to Look For, Mental Health Issues Caused by Trauma, PTSD – Not Just Military
- Prosecutorial – What the Prosecutorial Committee Does and Procedures
- Public Defenders – What is a PD Office
- Technology – New E-Filing
- Veterans – Veteran's Perspective, Attorney's Perspective

The next issue will cover Harvey, and locals are encouraged to send short articles. Sarah gave a huge thank you to Assistant Editor, Stephen Gustitis and to those who help up front and got their articles in time monthly Michael Mowla, David Moore and Robert Pelton. She gave a shout out to Craig Hattersley and encouraged those who see or talk to him say thank you; he is invaluable.

David Moore commented on how important Sarah was to the organization.

2018 Rusty Duncan Course Directors, *David Moore*

David recognized the 2018 Rusty Duncan Course Directors: John Hunter Smith, Nicole DeBorde, Mark Thiessen and Gerry Goldstein. The committee will meet next week to finalize the agenda.

Invite to Events, *David Moore*

President's Trip – Napa Valley, *David Moore*

Mark your calendars – February 14-18, 2018. More information to come.

Members' Retreat – South Padre

David invited everyone to come together to South Padre Island for Trainer of Trainers, CLE and Members' Retreat! It is going to be a perfect time.

- July 11-15, 2018—Members Retreat with President-Elect David Moore
- Wednesday, July 11, 2018—Trainer of Trainers

- Thursday/Friday, 12-13, 2018—Beating the Drum
- Saturday, July 14, 2018—TCDLA/TCDLEI/CDLP Orientation

Affiliate, *Carmen Roe*

The committee's goal is to have every local bar be an affiliate of TCDLA. The committee is working with local bars and updating all contact information. A new website page has been created for affiliates. Contact Affiliate Committee if your association is interested in becoming an affiliate of TCDLA.

Awards, *David Botsford*

Committee has met and will meet again in April after April 10th deadline.

Amicus Curiae, *Angela Moore*

Angela gave an overview of slip opinions and Supreme Court ruling that they cannot tell a trial judge what to pay. She will follow up and send information on the listserve.

CDLP, *Heather Barbieri*

Heather stated the new roadshow theme "Unleashing the Beast" will have high-quality speakers pairing understudies and mentors.

Unleashing the Beast

- 1/12/18: Waco
- 2/2/18: Longview
- 4/6/18: Salado
- 4/20/18: Port Aransas
- 7/12-13/18: South Padre

Corrections & Parole, *David O'Neil*

David reported five prison units evacuated for Harvey. Several were released or relocated due to Harvey. Let David or Bill Habern know if you have any issues with sexual offenders that they cannot move or travel to and from work due to child safety zones. HB1111T has some new provisions and are getting a feel how they are working and implementing, and they are working with Mr. Gutierrez.

Ethics, *Danny Easterling*

Committee has created new toll-free number – 888-ETHICS4, the old number still works 512.646.2734. When a member calls, a voicemail is generated that goes to committee for a return call within 24 hours.

Indigent Client Defense, *Michelle Ochoa*

The committee will be writing several articles in the *Voice*. Work is underway to create a poster and video for holding cells titled, "Know Your Rights."

Law School Students, *Michael Gross*

Michael had a Britt Sharma, a law student speak to the board. She suggested lawyers to come speak to law school students and law schools to build relationships. They are having an event about the concentration and invited a prosecutor and defense attorney to address what they did in law school classes they took and what experiences were helpful. She suggested hosting an event on the Voir dire process and having a prosecutor and defense attorney share experiences and strategies. Work with

Career Centers for personal awareness. Have A&M criminal law section students speak on how and why they choose how to start their program. Have 2-3 law school students mentored. Provide resources as law student's progress through law school. Host mixers or happy hours to allow for one on one communication in a relaxed environment. Start clinical defense clinics – structure where law school students are assigned a real case working with clients. She is here to facilitate and assist communication with law schools.

Michael reported the committee has met and will have a liaison with every law school as a point of emphasis this year. They committee will be making contact this month with every law school.

Legislative, *Bill Harris*

Bill introduced Shea Place who will assist as a contract lobbyist with Allen Place during non-legislative years. The committee will have a phone conference in October and in-person meeting in December.

Long Range Planning, *Dan Hurley*

Dan stated the committee had a conference call last week. They will make sure all committees are in implementing the Long Range Plan. Each quarterly meeting will have a progress report presentation.

Mental Illness, *John Hunter Smith*

John is excited about the good group of people the committee has. The *Voice* will have a series of articles promoting awareness. Warren Wolf will create a questionnaire, and Kristen Brown is making a cheatsheet. The committee will have a mental health 45 minute DVD created.

New Lawyers, *Michelle Tuegel*

The committee has had several conference calls to see what they can do to bring in new lawyers and young lawyers. The committee was renamed to include new lawyers not necessarily young. They will also work with the law schools. They will work on publicizing the committee is a resource and get the word out. A new pilot for mentorship program will start in four local areas. If you are interested in being a mentor, let Michell or Thuy Le know.

Nexus, *Mark Snodgrass*

Contact Mark with new ideas; the committee will work on CLE to increase attendance and grow the organization.

Nominations, *Mark Snodgrass*

Committee has been put together and will have conference call in the next couple weeks. Mark encourages members to apply.

Prosecutorial Integrity, *John Hunter Smith*

One issue was brought to the committee from Denton. The committee was pleased it was brought to committee however it did not meet standards. Communication at this time is there will be no action taken but they should continue to monitor and if anything changes resubmit.

Public Defenders, *Michelle Ochoa*

Michelle reports the committee met and would like to have a public defender oath to swear in as the prosecutors have. They would like this brought to the legislature. The committee will work with TCDLA to promote Public Defender National day - how to publicize and honor. They will continue to

network with each PD office. The committee suggests a PD Certification process in which they attend a baby PD Trial College or have one training specific to PDs. The committee will look at increasing PD numbers for CLE trainings.

Rural Practice, *Clay Steadman*

Clay reported one of the things the committee has done is create a Legislative Update marketing through the Rural and Affiliate Committees to increase awareness and brand TCDLA. TCDLA has recorded Allen Place's 2017 Legislative Update presented in August 2017. The Rural and Affiliate Committees are offering local criminal defense bars and public defender offices a free two-part series, offering up to 4.0 CLE credit. Part I provides the recording, materials and 2.0 CLE credit. Part II provides a live presenter on legislative and current case updates, up to \$500 for food and 2.0 CLE. TCDLA will market, handling registration and all logistics of the programs. Contact Clay to put on a Legislative Update CLE in your area.

Strike Force, *Nicole DeBorde*

The committee has been relatively quiet, yet volunteers are always ready. Some issues were not in the scope and were forwarded to TLAP. Strike Force Houston members filed a blanket motion to suspend the postpone laws. Strike Force works with the Amicus Committee on overlapping request – both committees work well together. David Moore praised Regan Wynn and Nicole for doing an amazing job.

Technology and Communications, *Jeremy Rosenthal*

Jeremy reported the committee met and had several items in the hopper including the app is being updated from the codebooks. New seminar app will be tested at Stuart Kinard Advanced DWI in November. They are working on improving the website, increase speed, and limiting picture size uploaded by members. Jeremy asked for five volunteers to tweet once a week.

Veteran's Assistance, *John Hunter Smith*

The committee had a conference call mainly focused on the February 9, 2017, seminar to be held in Austin co-sponsored with the SBOT Veterans Section. The committee is trying to secure a speaker who was a real hero who served in Afghanistan. He was charged with kidnapping and prosecuted in Federal Court. He later had had a farm in Tennessee where he invited marines with PTSD to come. Defense attorneys presented evidence in the Western District Court in Louisiana which resulted in him getting probation.

TCDLEI Announcement, *Lance Evans*

Lance announced TCDLEI had created a new pledge category named "Associate Fellow." The new associate pledge is \$750. The board hopes this will entice new members and assist with promoting the future of TCDLA. Lance recognized Rusty Gunter, Jeremy Rosenthal, and John Hunter for their pledges and advancing to the next level.

Old and New Business

No old or new business at this time.

MOTION: Adjourn

Motion to adjourn the meeting at 1:28 pm made by Frank Sellers, seconded by Kristin Brown – motion carries.

Respectfully submitted,
Heather Barbieri
TCDLA Secretary