

Ten Years of TAACA:  
A Small History of Big Changes

Most Texas lawyers have never heard of TAACA. But those who work at the appellate courts or practice before them have reason to be grateful that TAACA exists.

TAACA is the Texas Association of Appellate Court Attorneys (TAACA). Its mission statement says that it “is devoted to the professional development of career appellate court attorneys employed by the State of Texas.” TAACA’s objectives, according to its bylaws, are “(a) to promote communication among the state appellate court attorneys; (b) to provide continuing legal education to court attorneys; (c) to enhance the quality and integrity of the appellate process; and (d) to foster in the bench, bar, and general public an appreciation and understanding of the role of appellate court attorneys.”

TAACA celebrates its tenth anniversary in 2010. The memories of its founders reveal a story of starts and stops, issues and ideals, and a common goal of helping Texas appellate court staff attorneys to become the best at their jobs.

The fourteen appellate courts began in their present form almost thirty years ago, in 1981. That was the year the Texas constitution was amended to grant criminal jurisdiction to the appellate courts. As a result of the increase in their jurisdiction, the courts’ workloads increased substantially. Many of the courts were given additional judges to handle the load. And nearly all of the courts began hiring permanent staff attorneys to assist them.

As the staff attorneys began dealing with the procedural and substantive legal issues before them, they began to seek guidance from other colleagues similarly situated. But they had no way other than phone to communicate with one another about common issues among the courts. While many of these somewhat isolated attorneys made efforts to get to know staff attorneys from other courts and learn from one another, there was no formal mechanism for doing so.

A problem existed, but there was a core of visionary court staff attorneys who envisioned a solution. Some of the chief staff attorneys at the appellate courts decided to start meeting informally to share information. This pioneer group included Lynne Liberato (Houston - 1st), Helen Cassidy (Houston - 14th), Tom Greenwell (Corpus Christi), Larry Ludka (Corpus Christi), Doug Norman (Corpus Christi), Nancy Nutto Hughes (Eastland), Pat Shannon (Austin), and Jim Spamer (Dallas). Some of that group has since moved on: The Honorable Tom Greenwell is now Judge of 319th Judicial District Court, and Doug Norman is an assistant district attorney in Nueces County. Larry Ludka is an assistant U.S. Attorney in Corpus Christi. And Lynne Liberato is now a partner at Haynes and Boone L.L.P. specializing in appellate law. She was also President of the State Bar in 2000-2001. On the other hand, to the great fortune of the Eastland and Austin courts, Nancy Hughes and Pat Shannon remain chief staff attorneys at their respective courts. Sadly, there were losses: Helen Cassidy and Jim Spamer have both since passed away. (In 2005, the Appellate Section of the State Bar began awarding the Helen Cassidy Award for excellence in appellate practice.)

Doug Norman remembered that the organization “grew more than anything out of the sense of isolation many of us felt as we struggled with issues that we could not

discuss with other local attorneys. But, we had a sense that other court attorneys around the state must be facing the same issues and that we would all benefit from pooling our experiences and ideas in some way.”

In the late 1980's, the informal group met a few times. One of the most memorable was in 1987, when the Corpus Christi Court of Appeals hosted a “get-together” for the group, led by Chief Justice Paul Nye and staff attorneys Ludka and Greenwell. About this meeting, Norman said, “we all shared a great deal and came back with a sense that we did not have to reinvent the wheel, but that we could call on other staff attorneys for advice and assistance.” Additionally, Liberato reflected that the meeting was not only “great fun” but also provided “great camaraderie” for a far-flung court system’s staff. But because there was no organized group or funding at that time, meetings did not continue on any regular basis.

In the early 1990's, an attempt was made to reinstitute the meetings. Norman, Greenwell, and Janette Thompson (Fort Worth) organized a meeting in Austin. Janette Thompson remembered that Doug Norman, in particular, “was instrumental in keeping alive the idea of a formal statewide staff attorneys’ organization.” About 25 lawyers from across the state attended. The meeting lasted all day, with no outside speakers, no lunch provided, and no continuing education hours awarded.

After that, Cassidy picked up the ball and was a major force in bringing to life TAACA in its present form. Her efforts are vividly remembered by her colleagues. Cassidy was passionate about “staff attorneys having a place where they could discuss problems unique to those working for the courts,” said Karen Vowell Sales (San

Antonio). Cassidy also “worked to enable court staff attorneys to attend UT’s State and Federal Appeals seminar for a reduced tuition,” said Nancy Hughes (Eastland).

Cassidy’s efforts to organize TAACA were aided by Vowell Sales (then at Houston -14th), Thompson, Spamer, and Wendy Martinez (San Antonio). In June of 1997, the San Antonio Court of Appeals hosted another meeting, led by then-Chief Justice Phil Hardberger of San Antonio and then-Chief Justice Bud Arnot of Eastland. Hardberger remembered that not all the judges were in favor of the staff attorneys organizing. “Some people felt that, once an association got formed, there might be organizing – not a unionization, but a more organized group” that could become problematic. But Hardberger and Arnot “encouraged the staff attorneys to form an association,” Hughes said.

The group submitted a questionnaire to staff attorneys across the state. In the fall of 1998, Norman sent out a letter summarizing the results. He noted that “there was widespread interest in participating in an organization of staff attorneys.” He informed the staff attorneys that a meeting would be held at the end of October, 1998, with Webster “Buzz” Kinnaird, then Chair-Elect of the American Bar Association’s Council of Appellate Staff Attorneys (CASA), and Mary Ellen Donaghy, the Assistant Program Director of the ABA. At that meeting, the group formed a steering committee made up of Thompson (Fort Worth), Martinez (San Antonio), Hughes (Eastland), and Beth Crabb (San Antonio). They debated whether to be part of CASA or to be an independent organization, ultimately deciding to remain independent.

After that meeting, Norman sent out another letter informing staff attorneys of the new steering committee and urging all to participate. He noted that some court staff

attorneys “may be skeptical about the need for a professional organization for appellate staff,” and conceded that, “if the idea had come up several years ago, I probably would have shared these concerns.” But he said that “after last year’s conference in June, it became apparent to a number of us that there really is value in coming together and sharing our ideas and concerns on a regular basis. Even at the organizational meeting in San Antonio, there was an extraordinary amount of informal sharing concerning such diverse concerns as centralized vs. decentralized staff, motions procedures, and even substantive legal issues.”

The group’s first formal meeting in Austin was in 1999 in the State Bar building. Norman, Hughes, Thompson, Cassidy, and Brenda Norton (Dallas) served as the planning committee for this meeting. Also involved in the planning were Martinez, Lyn Ramsey (Houston - 14th), Kay Brown (Houston - 14th), Stacy Stanley (Texarkana), and Rachelle Gee (Eastland). The meeting involved a day of presentations from the different chief staff attorneys at the courts. “Jim [Spamer] and Helen [Cassidy] were quite a show when they got fired up,” Hughes remembered. “They would always say out loud what everybody else was thinking.” And for the first time, the meeting offered two important extras: food and CLE credit to the participants. “We passed the hat at the end of the meeting to help reimburse Janette, Brenda, Nancy, Doug, and maybe others for the money they personally spent on drinks, snacks, stamps, and so on,” said Jill Stephens (Eastland).

“The big controversy at that first organizational meeting was whether to allow briefing attorneys to join, or to limit membership to permanent staff,” Shannon said. That controversy would return periodically over the years. Ultimately, in TAACA’s most

recent amendment to its bylaws, briefing attorneys were recognized as non-voting members of the group.

At the 1999 meeting, the group decided to seek recognition as an organization by the State Bar. They created the name TAACA, and they planned an annual meeting to be held in conjunction with the UT Conference on State and Federal Appeals. Funding was provided by donations from the appellate sections of several county bar associations. “Given that staff attorneys typically have no money,” Vowell Sales said, “I was tasked with raising money from the various bar associations to make the meeting possible. We decided to seek donations only from the local bar associations, and not from firms or attorneys, to avoid any appearance of impropriety.” The September, 1999, issue of the Texas Bar Journal announced TAACA’s creation and provided contact details for more information.

The first TAACA meeting was held in 2000 in Austin at the William P. Clements Building. In a letter, Vowell Sales billed the meeting as “a chance for all of us, who are similarly situated, to get together in an informal setting and get to know each other. It gives us the opportunity to discuss topics that are of unique interest to permanent court attorneys.” Brenda Norton served as the first TAACA President. The meeting offered 3.75 hours of CLE credit, including .75 of ethics, on such topics as common appellate court issues and problems, current issues before the Legislature, internet research, and suggested revisions to the Texas Rules of Appellate Procedure. Nearly 80 lawyers from across the state joined TAACA and attended this milestone conference. Vowell Sales raised \$1,500 in contributions from various Bar Associations, as well as the State Bar Appellate Section.

Soon afterward, Stacy Stanley began distributing a regular newsletter, informing staff attorneys of pending issues and details on the organization. He was picked for this task, he joked, “for his sins in having a degree in mass communication and journalism.” The first issue informed the membership of the new committees which had been created – committees on membership and long-range planning, court communications, legislative liaisons, and the annual meeting. Several months later, in early 2001, Clint Sare (Amarillo) created the TAACA computer list-serve. “I created the mailing list as a convenient way for staff attorneys to circulate questions beyond the other staff attorneys they knew personally and to promote interest and activity in TAACA,” Sare said.

One of the issues that galvanized the group early on was, not surprisingly, that of pay raises. The 77th Legislature passed a bill in 2001 awarding state employees a four-percent pay raise. In addition, that Legislature budgeted funds for appellate courts. In early August 2001, Chief Justice John Cayce of the Fort Worth court learned from the Comptroller that her office had been instructed by the Legislative Budget Board not to appropriate funds for the state appellate courts to provide staff attorneys the general state employee pay raise of four-percent. Cayce promptly called the Comptroller’s office to vociferously challenge that decision.

On August 7, 2001, Rep. Robert Junell, Chair of the House Appropriations Committee, and Sen. Rodney Ellis, Chair of the Senate Finance Committee, informed the appellate courts that court staff attorneys were not entitled to the four-percent pay raise. It was their “intent,” they said, that appellate courts give staff attorneys raises through the money budgeted for those courts. Judge Cayce immediately wrote the Comptroller’s office, objecting to this position.

When the Comptroller's office took the same position as Junell and Ellis, Justice Cayce requested an opinion from then Attorney General John Cornyn on the matter. But he was advised that he was not authorized to request an opinion. In response, Cayce "recommended that the Chief's Council, of which Chief Justice Phil Hardberger was chair, request Jerry Benedict, the head of the Office of Court Administration, to ask for the AG opinion." Hardberger remembered that "there was a fair amount of hostility to it among the judiciary," but he and Cayce "spoke to the chiefs and lobbied for it." A majority of the council approved, and Benedict sent in the request, attaching and incorporating Chief Justice Cayce's previous letter.

Helen Cassidy "provided invaluable assistance in fighting that decision, filing an amicus brief in the case," said Wendy Martinez (San Antonio). Vowell Sales remembered that Cayce "stood toe-to-toe with the chairmen of both legislative finance committees, the Legislative Budget Board, and the Comptroller for us." She added that "Justice Cayce suffered at the hands of the Legislature for several years afterward. He and Justice Hardberger were the only ones who stood up for us."

On January 28, 2002, General Cornyn issued his opinion, deciding that court staff attorneys were entitled to the four-percent raise. The next day, Vowell Sales notified the TAACA membership on the list-serve with a celebratory e-mail, telling the group, "WE WON!" Chief Justice Cayce was pleased with the result: "As a former supreme court briefing attorney, I have always had enormous respect for appellate court staff attorneys," Cayce said. "They are not only the brains of the appellate courts, but the legs, arms, hands, feet, and often the back bone of the judiciary. They are also notoriously underpaid. That is why it was very gratifying for me to help them get a much-deserved pay raise at

whatever cost to me politically.” Cayce added that his colleagues at the Fort Worth court jokingly called him “Four Percent Cayce” for months afterward.

Since that fight, most of the issues TAACA has dealt with have been internal ones – writing bylaws, organizing annual CLE meetings, and offering professional support to staff attorneys and appellate courts statewide. The computer list-serve in particular has provided an invaluable resource and sounding board for members of the group. Over the years, the staff attorneys have used it to discuss such matters as how the various appellate courts handle original proceedings, contempt cases, the certificate of appealability, and the citation of unpublished opinions. And last year, TAACA established its first comprehensive website, courtesy of the Office of Court Administration. It can be found at <http://www.courts.state.tx.us/taaca/taacahome.asp>.

After a decade of struggle, TAACA happily celebrates its tenth anniversary this year. For Clint Sare, who is now in private practice, TAACA was “valuable as a way to meet folks from other courts I would never have met otherwise and have them as a resource to solve problems I encountered.”

“Being a staff attorney is very different than working in private practice,” Rachelle Gee pointed out, “so forming an organization allows those choosing that career to know there are others like them out there. At every TAACA meeting I have attended, I have seen a group of attorneys who love what they do and want to learn from each other ways to make things at the courts function more smoothly. Meeting together allows court attorneys the opportunity to discuss how the different courts handle issues common to all the courts.”

Stacy Stanley (Texarkana) agreed. “Court attorneys are a separate sort of animal, and being able to talk to other people doing the same sorts of things we are makes it easier for us to do our jobs well,” he said. “Reinventing the wheel has never been a good idea, and with the interaction between highly experienced staff attorneys, it raises the quality of all of our courts’ work. I have a lot of respect for my peers. A more capable, thoughtful group you're not likely to find.”

“TAACA raised the level of competence, and pay ultimately, of court staff attorneys,” Hardberger said. “It’s been a good thing all around for everybody.”

