

STATE BAR OF MICHIGAN
PRISONS & CORRECTIONS SECTION COUNCIL MEETING
MINUTES
Council Meeting
MSU Civil Rights Clinic
610 Abbot Road
East Lansing, MI. 48823
January 6, 2017

Jackie Ouvry called the meeting to order at 10:14 AM.

Attendance and Welcome:

Present: Jackie Ouvry, Pat Streeter, Mike Marutiak, Monica Jahner, Daniel Manville, Paul Reingold, Sandy Girard, Barbara Levine, Richard Stapleton, Michelle VanDusen, Keith Barber and Ron Emery (13 regular voting members)

Excused Absences: Peter Martel, Nicole George, Doug Shapiro, Kyle Kaminski, and Jessica Zimbelman

Unexcused Absences: Gary Kasenow,

Guest: Carol Siemon

Adoption of Agenda:

On motion by Paul Reingold, seconded by Pat Streeter, the agenda presented was adopted unanimously with the addition of one new business item, election of Carol Siemon to fill council vacancy.

Approval of Minutes:

Ron Emery presented the minutes from the last regular council meeting from December 6th. Corrections were offered and on motion by Pat Streeter, seconded by Sandy Girard, the minutes were approved unanimously as amended.

Treasurers Report:

Dan Manville provided multiple written reports that show the current ending balance as of the end of November is \$6,838.34. On Mike Marutiak's motion, seconded by Ron Emery, and unanimously supported, the Treasurer's report was accepted for filing.

Report from the Chair:

a) Themed Bar Journal –The authors have all been selected and have committed to produce articles. These include Paul Reingold and Dan Manville on conditions of confinement, Laura Sager of CAPPs on mass incarceration by the numbers, Kim Thomas on juvenile offenders, Amanda Alexander community impact of mass incarceration, and Jackie Ouvry on the history of the P & C Section. Jackie wants a page or page and a half outline sent to her by January 29th. Drafts of articles need to be sent to Pat Streeter for her review and edit by February 24th. Final draft is to be sent to Paul Runyan, the SBM editor by April 1st. All artwork from the Prisoner Creative Arts Program (PCAP) sought to be included must be sent to Kyle Kominski for his censoring function. Barb Levine will contact Ashley Lucas of PCAP to get artwork ASAP.

Committees:

- a) Law Library: the January tour at the Handlin facility will take place beginning at 8 am on January 13th.

b) June conference: James Kilgore, and Darryl Alexander will speak on their experiences using the tether program, the use of electronic monitoring, and MSU's research of this and information to check out the place and injury for a hand reservation. The consensus is that we're well on our way to have a successful June conference.

c) Criminal Law Section Update: Mike Marutiak reported that that section did not take a position on the parole probation legislation, although they expect it to come up again sometime in the current session. He also reported that our section will be co-sponsoring their conference upcoming over President's Day weekend concerning forensic evidence at trial. Tim Baughman of Wayne County and John Collins of the MSP will also be presenters. Jackie confirmed the co-sponsorship but expressed concern that the topic addressed to trial issues may not properly be in our section's "wheelhouse" and asked for suggestions to make is more germane to our bailiwick. Sandy and Pat suggested focus in forensic evidence in post conviction phase. I.e. what are the best ways to get such evidence to use in habeas corpus proceedings or other post conviction relief? Two possible presenters on this issue suggested were Dave Moran of U of M Law School and Elaine Spiliopoulus, of the Criminal Law Section. Mike also noted that section was sponsoring scholarships for the conference but the deadline for applying is January 29th. The scholarships are intended for young lawyers who are members of that section. Finally, Mike advised that that section would be holding a conference the second week of June with the topic as yet not determined.

Executive

a) The parole and probation bills were not passed (HB 932-975) before the end of the 2016 session and would have to be reintroduced. Barb and Keith Barber suggested that with new house speaker Tom Leonard we don't know how receptive he will be to its reintroduction. Barb explained that it is quite likely that the medical parole legislation will pass, and that the presumptive parole legislation will be reintroduced. Passage of the latter is more problematic. The consensus was that the section deal no further with these bills, as they will likely be changed in the new session and re-education of the legislators will be necessary. Because "no action" will be taken, no formal action by the section is required. Paul Reingold explained generally the newly passed "exoneration" legislation that will allow prisoner wrongfully incarcerated to receive up to \$50K per year for life plus up to \$50k in attorney fees. He suggests that under the legislation there will be a pool of only about 20 eligible for recovery.

Old Business

a) Newsletter: Pat Streeter reported that the deadline for outlines and/or drafts of articles is March 29th for the April edition. She suggested maybe putting in "previews" of the articles that will be included in the Themed Bar Journal in September. Some expressed concern over "jumping" the subject matter in the newsletter. Paul will submit a new case summary for the newsletter and Pat asked Keith Barber for potential topics or articles that he sees would be of interest. She also suggested that one article could be a summary of the prison library committee findings following the January 13th tour. Other topics discussed included prisoner pay levels, difficulty in getting a nurse visit, incarceration-induced stress, mental health issues in

the prisons, as well as chronic stress disorder for prison guards. Michelle would survey MCO literature to see what has been written about the latter. Sandy and Keith also noted that a new issue has arisen concerning prisoner access to medical appliances such as wheelchairs. Seems that DOC is taking some of these away under and some question the reason.

- b) Carol Siemon expressed concern about what information was available to her office concerning potential parolees so that her office (Ingham County Prosecutors Office) can take an intelligent and informed position at the hearings.

New Business

- a) At Monica Jahner's invitation Carol Siemon, the newly elected Ingham County Prosecutor attended this meeting and expressed an interest in joining the council. A specific by law allows the council itself to fill a current vacancy. As Carol is already a member of our section she is eligible for the council membership. Further, her professional experience and interests make her well qualified. On motion by Ron Emery, seconded by Paul Reingold, the council unanimously elected Carol Siemon to fill the vacancy and welcomed her to the council.
- b) Adjournment: On motion by Mike Marutiak, seconded by Ron Emery, the meeting was adjourned at 12:02 with the next meeting scheduled for February 4th back at the State Bar Building.

Ron Emery
Secretary
March 3rd, 2017

