

**STATE BAR OF MICHIGAN
PRISONS AND CORRECTIONS SECTION
MEETING MINUTES
NOVEMBER 17, 2007**

PRESENT: M. Barnhart; S. Girard; S. Gobbo, N. Holbrook; R. Johnson; B. Levine; E. Livingston; M. Marutiak; K. Schaefer; R. Stapleton; K. Thom; M. VanDusen; A.Watts.

ABSENT W/EXCUSE: R. Beracy; J. O'Donnell; P. Streeter.

ABSENT W/NOTICE: None.

ABSENT W/O NOTICE: None.

The meeting was called to order at 10:10 a.m. with a welcome and introduction. The meeting minutes from 10/20/07, were reviewed with two changes: the spelling of Steve Gobbo's first name, and item #6. Item #6 should reflect that the Council has not yet taken a position on "jail credits for PVNS", however did take a position on not extending parole for non-payment of restitution.

Motion to accept the meeting minutes from October, 2007, was made by S.Gobbo, seconded by S. Girard.

FINANCIAL REPORT: S. Gobbo

The financial report was discussed. Our section balance is \$1,600, however, the Bar made some accounting errors in which we were incorrectly charged for a plaque and gavel. The corrections in our account should be reflected in the next report after January 1st.

DISCUSSION/ACTION

- Foster-Bey Decision: The discussion centered on S. Girard's possible forthcoming motion that the Council takes a position urging the Department of Corrections not to appeal/resist the court's decision. The consensus of the Council was that Chair Marutiak would issue a notification that an electronic public policy vote may be forthcoming between now and the next meeting on 12/15/07.

If the US District Court issues the remedy portion of the Foster-Bey decision prior to our next meeting, S. Girard may offer a motion urging the Governor and the DOC to not appeal the decision and urging the legislature to adopt a statute with procedures to implement the Foster-Bey decision.

- Medical Paroles: HB 4475--The Council discussed and voted on a public policy decision to recognize the Parole Board's right to grant medical paroles according

to statute. The motion was made by B. Levine, seconded by S. Girard. Eleven (11) Council members with voting rights were present, with all eleven (11) supporting the motion. The motion was adopted. The language of the Council's support read as follows: The Prisons & Corrections Section recognizes the right of the Michigan Parole Board to grant medical paroles pursuant to the authority of MCL 791.235(10). [Note: This policy position was communicated to the State Bar in proper format on 11/18/07.]

- Merit Credits: A full discussion of this topic has been scheduled for the February meeting. On this date informational materials were provided. Volunteers agreed to check for existing studies and/or comparisons on other states' approaches to "merit credits", TIS, and good time, with results to be reported in December. M. VanDusen will check with ACA, R. Stapleton will check with NIC, and S. Gobbo will check with the ABA.
- Spring Mini-Conference: Discussion was held to decide exactly what it is we want to do and where we intend to place our focus and what group(s) we hope to collaborate with (the MCA, the Criminal Law Section, Community Mental Health, or any combination). The Council asked that a task force make recommendations on the purpose, focus, format, collaboration with another group, etc., and prepare recommendations for the Council by January, with perhaps an update in December.

The following members will be coordinating suggestions for the spring "summit" on mental health: Michelle VanDusen agreed to head the group, and the Council elected P. Streeter, R. Beracy and Sandra Girard to the task force. Whatever thoughts we have individually should be sent to the members of that task force.

MISCELLANEOUS BUSINESS:

- Law Library Policy PD 05.03.115A: Our section may review this policy every two years and make suggestions to the Department of Corrections for any additions/subtractions to the list of available law material. Chair Marutiak queried the Council and will notify the DOC the Section has no suggestions at this time.
- Criminal Law Section Meeting: Chair Marutiak attended this meeting and shared their current topics of discussion.
- S. Girard had questions of R. Stapleton regarding the Re-hearing process for Parole Violation Hearings.
- Council members were reminded of the two (2) vacancies on the Council for regular (i.e. attorney) members. The Council is authorized by the bylaws to fill vacancies on the Council during the interim between annual meetings of the Section.

- Upcoming Meeting Topics:

December:

Medical Paroles and HB 4475 – Representative Mark Meadows
Mental Health Issues and local criminal justice systems - Terry Jungle, MSA

January: Mental Health, cont. - CMH representative

February: Merit Credits

NEWSLETTER: A. Watts stated the newsletter is moving along fine.

NEXT MEETING: December 15, 2007, 10:00 a.m., at the State Bar.

In light of the two guests scheduled for the December meeting and the importance of their topics, Council members were notified the meeting will begin promptly at 10:00 a.m., we will have few regular business items on the agenda, and the meeting may extent to about 12:30 p.m.

Meeting adjourned at 12:23 p.m.

PRISONS AND CORRECTIONS SECTION

Michael J. Marutiak, Chair