

## 2004-2005 Annual Report

In keeping with the direction established by the mission statement, the Criminal Law Section embarked on a program year intent on providing valuable educational opportunities, up to date information and analysis of changes impacting those who practice criminal law.

Our first program at the State Bar 2004 Annual Meeting examined the efforts of the State of Michigan to address issues of recidivism and crime prevention as a means to combat prison overcrowding. In a joint presentation between the Criminal Law Section and the Corrections Section, a near capacity audience heard a panel of experts outline their positions on the implementation of an effective corrections plan at an affordable cost.

Moderated by CLS Council member Jeff Gagie a panel consisting of State Senator Alan Cropsey, Michigan Sheriff Association Deputy Director Gary Goss, Michigan Department of Corrections Deputy Director for Policy Dennis Schrantz and Barbara Levine, Executive Director, Citizens Alliance on Prisons & Public Spending delved into the topic and fielded questions from the attendees.

A returning emphasis to a viable Community Corrections program was outlined by Deputy Director Schrantz. Sen. Cropsey stated that drug court programs have been a significant success and acknowledged that dysfunctional families are at the core of criminal behavior problems. Gary Goss highlighted the efforts of the local jurisdictions to deal with pre-charge diversion of mentally ill and developmentally disabled individuals who to frequently find themselves in the criminal justice system. Director Levine related the work of her citizens group to detail the high cost of incarceration and desire to bring focus to effective parole board policies, which contribute to the population of the Department.

At our October meeting the Criminal Law Section heard from Attorney Frank Eaman who spoke of his experience in attempting to develop uniform practice standards for criminal attorneys. Mr. Eaman was one of a number of guests welcomed to the monthly Criminal Law Council Meeting to share their opinions, on issues of import to the membership. As a result of Mr. Eaman's presentation the Council initiated efforts to develop a criminal practice protocol, beginning with the desire to examine the variances in each counties local practices. Emphasis would be on determining best case examples of charging, discovery and preliminary examinations.

Our second program established as its principal target an in depth discussion of *Blakely v Washington*. The program chaired by Council Member Lisa Schmitz was informative and topical. Program materials including Legal Updates by Tim Baughman and New Legislation by Tom Robinson can be accessed at our web site.

Throughout the year the membership was kept abreast of significant legal rulings affecting their criminal justice practice as a result of the research and editing skills of James Shonkweiler. Focusing primarily on decisions outside the readily accessible

Michigan cases, Jim and his newsletter provides a valuable asset to the practitioner wishing to have a more national view of criminal jurisprudence. This will be Mr. Shonkweilers last year as Editor for News and Views. He has saddened us all with his decision to retire from his very active role with our council. Historian, tactician, Grand Hotel concierge and a voice of reason and common sense are all voids that the Council will now try to fill as Jim kick's back and enjoys more time with the remarkable Dottie. You will be missed.

As this report is filed the crowning achievement of the Section has been the improvements and advances made in providing information to the membership. Through the perseverance of newly elected Council Member Neil O' Brien, a new emphasis has been placed upon our web site. Now the membership can find valuable resources, including program materials, journals and other links to sights of interest. Through an active use of ListServ the Council now regularly reaches out to the membership through email and discussion boards to encourage involvement and healthy exchange of ideas. It has been satisfying to see prosecutor's engaging in discourse with criminal defense attorneys in a constructive forum designed to improve the criminal justice system.

Lastly our Summer program at Mackinac promises to be an lively examination of pre-trial criminal practice. Designed to examine fair and cost effective ways to deal with those accused of crime and those charged with prosecuting it, the program suddenly became highly topical in light of the proposed elimination of an accused right to a preliminary examination. In addition to examining these proposals the attendees will be challenged by an impressive group of panelists to come up with cost effective methods to deal with the concerns those opposed to preliminary examinations.

Please watch for this years issue of the Criminal Law Section Law Journal , once again edited by Kimberely Reed- Thompson. My heartfelt thanks to the Council Members for all their efforts to make this year a positive experience. Good luck and greetings to our new Chair Ralph Simpson, the Council is in great hands.

Respectfully submitted,  
Gary M. Gabry