

MSBA CORRECTIONAL REFORM SECTION COUNCIL

Minutes of Meeting of May 11, 2010

Members Present: Michael Berlin, Phil Dantes, Angela Eaves, Wendy Hess, James Johnston, Roland Knapp, Scott Oakley, Joseph Tetrault, and Paulette Wirsching.

Guests Present: Moges Abebe, MSBA Leadership Academy Fellow; Dana Middleton, Baltimore City State's Attorney's Office; Booth Ripke, Nathans & Biddle

The meeting was called to order by Chairperson Wendy Hess at the Maryland Bar Center in Baltimore at approximately 6:30pm.

Review of Minutes of Meeting of March 9, 2010

The minutes of the meeting of March 9, 2010 were reviewed. James Johnston made a motion that they be approved without change, Paulette Wirsching seconded, and the motion carried unanimously.

Scheduling of Future Meetings

The June meeting was scheduled for Tuesday, June 8, 2010, and the annual meeting of the Section was scheduled for Tuesday, August 31, 2010.

Storybook Project

Dana Middleton and Moges Abebe gave a presentation on the Storybook Project, otherwise known as "Stories from my Father: Preserving Maryland Families Through Literacy Despite Incarceration," a public service project developed by the 2009-2010 MSBA Leadership Academy Fellows. Copies of an article on the project in the April, 2010 Bar Bulletin and a recruitment for volunteers were circulated, and a request was made that the Section "adopt" or "sponsor" the project. Following additional discussion after the departure of Ms. Middleton and Mr. Abebe, James Johnston agreed to seek clarification on the request for adoption or sponsorship and report at the next meeting. It was reiterated that the Council at its last meeting expressed the sense that the Council should not put itself in the position of awarding cash grants to other organizations or activities, however worthy.

Legislative Update

Joe Tetrault provided a brief summary of the 2010 Maryland legislative session as it impacted corrections, providing a two-page "legislative wrap-up" and noting that there was particular emphasis this session on sex offenders. There was also brief discussion of federal legislative initiatives, including HR 4080, the "Criminal Justice Reinvestment Act of 2009," and HR 4055, the Honest Opportunity Probation with Enforcement (HOPE) Initiative Act of 2009," for which copies of the legislation were circulated.

Leadership Symposium

Wendy Hess and Roland Knapp reported in the absence of Arnold Hopkins on the continuing effort to put together a major event featuring U.S. Senators Cardin and Webb as well as other prominent government and academic officials, focusing on S 714 proposing the National Criminal Justice Commission Act. A handout prepared by Arnold Hopkins (slightly revised from that circulated at the last meeting) was circulated, outlining the proposed program and the steps needed to pursue it. Phil Dantes moved that the Council adopt Arnold's outline, Michael Berlin seconded, and the motion carried. It was particularly suggested that we make progress on sponsors and site selection, and it was agreed that Kristin Mahoney of the Governor's Office of Crime Control and Prevention would be invited to attend the next meeting in June. Wendy Hess agreed to invite Ms. Mahoney. The following have agreed to be part of a Leadership Symposium Committee: Arnold Hopkins, Roland Knapp, Scott Oakley, Mike Berlin, and Wendy Hess.

Paul Davis Award

The Council received six nominations for the Paul Davis Award: Natalie Finegar, Director of the Baltimore City Neighborhood Defenders' Office, nominated by Sally Dworak-Fisher, an attorney with the Public Justice Center, Inc.; Jack Kavanagh, Director of the Howard County Department of Corrections, nominated by Council member Scott Oakley; Joseph Kruse, Executive Director of Dismas House of Baltimore, Inc., nominated by Council member James Johnston; A.A.G. Stephanie Lane-Weber, Principal Counsel of the Correctional Litigation Division of the Maryland Attorney General's Office, nominated by former Maryland Deputy Attorney General Maureen Dove; Philip Pie, Deputy Secretary for Programs and Services of the Maryland Department of Public Safety and Correctional Services, nominated by Patrick McGee, Director of the Maryland Division of Parole and Probation; and Charles Sullivan, Executive Director of International CURE, nominated by Carol Martindale-Taylor, a member of International CURE. Stephanie Lane-Weber subsequently withdrew her name from consideration. At the conclusion of three rounds of voting, the Council voted to present the award to Jack Kavanagh. The award will be presented at the annual meeting of the Section August 31. Scott Oakley will notify Mr. Kavanagh and ascertain his availability for the presentation August 31. Wendy Hess will make a request that it be announced at the MSBA meeting in Ocean City in June 2010.

Council Member Vacancy

The Council received expressions of interest from six individuals for the current vacancy on the Council: Moges Abebe of the Law Office of Carroll Drake in Charles County; Russell Butler from the Maryland Crime Victims' Resource Center in Prince George's County; Monique Dixon from the Open Society Institute in Baltimore City; Dana Middleton from the Baltimore City State's Attorney's Office; David Pratt from the Office of Administrative Hearings in Baltimore County; and Booth Ripke of Nathans & Biddle in Baltimore City. There was brief discussion about the requirement in the Section bylaws that Council members be members of the Section and about the fact that some of the interested candidates were not members of the Section.

Scott Oakley reported on his research concerning the ratio of Council members to Section members in this and other MSBA sections, concluding that this Council of 16 members consists of 7% of the membership of the Section (229), while other Councils consist of as little as 3% of their Sections (Animal Law, Labor & Employment Law, and Negligence, Insurance, & Workers Comp Law) or as much as 17% of their Section (Judicial Administration). Wendy Hess moved that Scott look into the mechanics of increasing the number of Council members in our Section by two and report at the next meeting, Phil Dantes seconded, and the motion carried. It is anticipated that the matter of filling the one current vacancy and two new vacancies can be addressed at the annual meeting of the Section August 31.

It was also suggested that current members of the Council who have failed to attend a significant number of meetings in the recent past might be approached to ascertain their current willingness and ability to contribute to the Council, in lieu of invoking the “declaration of vacancy” provision of the bylaws.

Nominating Committee

After entertaining expressions of interest from Council members, Wendy Hess appointed Angela Eaves, James Johnston, and Phil Dantes to a Nominating Committee to make and report to the Section at its annual meeting August 31 nominations for Council officers and members at large.

MSBA Bar Journal Correctional Reform Issue

Wendy Hess reported that the September, 2011 issue of the Maryland Bar Journal will be dedicated to correctional reform. She urged Council members to begin brainstorming ideas for articles and to consider committing to writing articles for the issue. Ideas for articles suggested on the spot included the interplay between Maryland’s administrative inmate grievance process and the federal PLRA and state PLA; an overview of Maryland corrections, parole, and probation; reentry; good time credits; youth tried as adults; and Maryland’s Sundry Claims Board. Joe Tetrault volunteered to author an article on good time credits. Wendy mentioned that Monique Dixon, Section Member, is committed to writing an article. Mike Berlin, James Johnston, Wendy Hess, and Moges Abebe also agreed to write articles. Wendy will distribute copies of the last issue dedicated to correctional reform and investigate the details surrounding this future issue, including submission deadlines, and report at the next meeting in June.

Adjournment

The meeting adjourned.