

WAYNE COUNTY CRIMINAL DEFENSE
BAR ASSOCIATION MEMBERSHIP MEETING

January 25, 2008

Officers present: President David Roby, Secretary Susan Rock and Director at Large Steven Bullock.

Absent: Vice President Bill Winters (Family illness), Treasurer Steven Makowski (Appointment) and Director at Large Christine Grand (Trial).

The WCCDBA Board Members would like to thank everyone who appeared and offered their input and ideas. The feedback that the WCCDBA members provided was invaluable.

The WCCDBA Board Members would like to thank Christine Grand for doing the research in order to obtain the best printer for the attorney lounge, ordering the printer and getting it to the attorney lounge (as of January 28, 2008). And, possibly getting her husband, Joel Grand, to install it.

The WCCDBA Board Members would like to thank Nicole Castka and Shirley Saltzman for the endless meetings, researching the best price, haggling with the furniture company, getting the attorney lounge painted and the carpeting cleaned in preparation for the furniture and selecting the furniture for the attorney lounge. In addition, thank you to Nicole Castka for paying 100 bucks (for which she will be reimbursed) as a down payment in order to maintain the haggled for price until the furniture could be paid for in full.

Pizza (Seafood, Meatless, Pepperoni, Pepperoni with Mushrooms), Salad and Pop were provided to the members prior to the meeting. The WCCDBA Board Members would like to thank David Roby for ordering the catered food and arranging for it to get delivered to the meeting.

RAFFLE:

President Roby began the meeting by conducting an impromptu raffle among attorneys who also had a civil practice by collecting their business cards and having someone select one of the cards. Attorney Jeffrey Shwartz won free admission to the Oakland County Bar Association seminar on "How to Deal with Difficult Opposing Counsel."

WCCDBA DESTINY

The President began with a brief overview of the history of WCCDBA dues. He said that in 2004, WCCDBA dues were \$200.00 and in order to receive criminal assignments at FMHJ, you had to be a member of WCCDBA and you had to be CAP certified. With that money, WCCDBA paid for the research attorneys, Westlaw, computers, printers and books. After 2004, the dues requirement lapsed and CAP gradually took over the costs.

The President said that the original idea, it was thought, was to have the County annually collect both the CAP assessment and the WCCDBA dues, however, when County failed to collect both amounts, nothing was done to correct the error or resume collection of WCCDBA dues. The President said that also figuring into this was a prior Presiding Criminal Chief Judge, of several years ago, who was never provided a list of eligible attorneys. The Presiding Chief Criminal Judge would assign an attorney a case and it would get bounced back by the Attorney Assignment office. This happened several times. In frustration, the Presiding Chief Criminal Judge did away with the requirement that an attorney had to be a member of WCCDBA in order to receive a criminal assignment. According to the President, these events left WCCDBA without any funding and the matter was never corrected or brought to anyone's attention, although, certainly some knew a problem existed. According to the President, anytime WCCDBA needs equipment, books, and etc., WCCDBA must seek CAP approval. CAP is interested in maintaining a strong defense bar so it has been a positive relationship. The President said that there was a school of thought that WCCDBA no longer needed to collect dues because CAP was taking over most or all of the costs. The President asked the members: Do we want to be sole proprietors and find our own private solutions? Or, is it a wiser course of action to band together and take collective action when it is appropriate to our practices and, in the process, improve the delivery of defense services to the indigent? Is there any interest in pooling our collective interests and efforts? Do we want membership in WCCDBA to be mandatory in order to receive criminal assignments? The President explained that there are only 6 members on the board and the board members need the input and involvement of the WCCDBA members.

The other questions that the President posed to the members were: Are we a clubhouse and just a place to hang out? Do we want to band together as one voice and become a thorn in the side of those who oppose us or do our clients harm? Do we want to go to functions with and for the County Commissioners and other community leaders and let our presence be known for our collective benefit? Do we continue to attach to CAP and let CAP handle the money and administrative matters while we focus on our practices and other individual interests?

The President pointed out that the tax structure prevents CAP from getting politically involved or it will lose its 501 (c) (3) status. The President asked if there was any interest within the group for collective political action and whether anyone would volunteer to discuss this in more depth at a later time and report back to the group after conferring with the board? (Several people showed interest and Director at Large Steven Bullock agreed to chair the group).

One WCCDBA member wanted to know if members could pay dues in the amount of \$25.00 and still contribute to CAP? Another member wanted to know if some of the CAP money could be negotiated to be given to WCCDBA. The President said that there is consideration, by CAP, of lowering their fees.

One member wanted to know why the collection of dues ended? The President said that it ended by accident but the failing to resume the collection was no mistake. Another member said that the collection of dues ended because there was a big surplus of money.

One member said that CAP and the WCCDBA should both draw up a budget. The member said that they shouldn't duplicate efforts. Another member thought it was important to keep the research attorneys. The President said that previous Chief Judge Kelly had promised that the defense bar would have access to Westlaw but that hasn't happened. The President said that there isn't any reason why WCCDBA should have to pay for Westlaw when the defense bar is subsidizing the County by working for low fees. The President said that judges and prosecutors agree that everyone benefits when the defense bar is strengthened.

DOOR, PRINTER, & FURNITURE:

According to the President, Director of Ancillary Court Services Sydney McBride has committed to replacing the attorney lounge lock by February 1, 2008. He said that he and Mr. McBride had discussed putting the old door lock from the 3rd floor on the 8th floor library door. After the door lock is replaced, the furniture, that has been paid for, will be brought into the lounge. The printer has been ordered by Christine Grand and should be in the attorney lounge any day (it arrived January 28, 2008). According to the President, part of the delay in obtaining the furniture, or anything for that matter, was that it would have to go through committees for approval. The President contended that if WCCDBA had the money, WCCDBA could buy it without the delay it takes in getting CAP approval. The President said that the offensive part is that CAP is paying for furniture with the money from defense lawyers.

CAP BUDGET:

According to the President, the last CAP budget did not show that CAP has that much money. The President was unsure whether that budget included CAP money that was invested in CDs. According to a WCCDBA member, the research attorneys are the biggest part of CAP's budget. The President raised the issue about whether the group as a whole believed the value received justified the cost of the research attorneys of approximately \$26, 000.00.

FRUSTRATIONS OF THE MEMBERS:

One member expressed the frustration that defense attorneys always have to fight for their checks. The member said that the vouchers are not accurate and defense attorneys are not getting paid when they should get paid as a result of the inaccuracies. The member said that if the people in FMHJ did not get their checks, the building would shut down.

Another member expressed frustration over the limited visiting hours at the jail. The member stated that the limited visiting hours interfered with a defendant's right to

effective assistance of counsel. This member said that she has ideas and suggestions and would like to take action on this issue. Other members also expressed interest.

One member expressed outrage over the 60 day deadline for voucher submission. The President said that he didn't think that deadline was being enforced. Another member said the budget department is paying all vouchers that can be documented.

BEST LINE AT THE MEETING: One member heard that the attorney lounge furniture was in Bob Plumpe's basement.

Meeting adjourned.

Note: The names of members were deliberately omitted in order to promote the free exchange of ideas except where it just didn't make sense to do so.