

Minutes of the Ohio Association of Criminal Defense Lawyers Annual Membership and Board of Directors Meeting

I. Welcome - 4:35PM

- a. Election of 2018-2019 Officers (Ken Bailey)
 - i. Uncontested, all in favor, no opposed.
 1. President 2018-2019 – Michael Streng
 2. President Elect 2018-2019 – Shawn Dominy
 3. Secretary – 2018-2019 Meredith O'Brien
 4. Treasurer – 2018 – 2019 Joe Humpolick
- b. Presentation of Awards – by Ken Bailey (Presidents' Awards)
 - i. Mike Streng
 - ii. Shawn Dominy
 - iii. Joe Humpolick
 - iv. Meredith O'Brien

II. Moment of silence for deceased members

- a. Chris Rhinehart ☹
- b. Jeff Kelleher ☹

III. President's Opening remarks (Mike Streng)

- a. Mike Streng is proud to serve, has loved OACDL since 2002 at his first seminar and he won't let the family down.
- b. **Issue 1** – (Mike Streng) OACDL was presumed to be in favor of Issue 1, but we have some concerns regarding being on the right side of the issue.
 - i. Sarah Shregardus – is it a reflection of the General Assembly that no one can get anything done? She has heard that people are frustrated with it.
 - ii. Mike Streng – we can't miss an opportunity to move sentencing issues.
 - iii. Is this just going to make municipal courts in a bad position and we are putting our clients in a position where our clients end up dead? (several Board members, Tim Huey)
 - iv. Ken Bailey – believes the effect is going to be on a ceiling of punishment.
- c. **OACDL Vendor Package** (Mike Streng) – Susan, Shawn D., and Streng have been working on a vendor packet, bondsmen, or others who want to advertise for OACDL. There will be a pricing structure and Streng already has an initial draft for anything goes out.

IV. Last Meeting's Minutes (Meredith O'Brien)

- a. Any amendments? Meredith O'Brien amending to include her attendance.
- b. Move to accept the minutes (Mike Streng)
 - i. Second (everyone)
 - ii. Motion carries (Mike Streng)
 - iii. Minutes adopted.

V. Old Business

- a. Commission Report – Kathleen Hamm, Susan has documents.

- b. OJACK - No report at this time – Sarah and Dan
- c. OPD gave OACDL thick document as to what is going on in the legislature from Nicole Clum (“ex prosecutor” – Dan Sabol)

VI. Treasurer Report (Joe Humpolick)

- a. Money made on August Seminar, surprising but good.
- b. \$2500 down from last year at this point in the year.
- c. We have been in a lot worse shape over the years, but we need to try to cut our losses.
- d. Report numbers for savings and checking from distributed report by Humpolick.

VII. Committee Reports

- a. **Membership** – (Mike Streng) – Approx. 680 members. OACDL business cards for members would be cool. Jessica Fallon on vacation, but put together the board package. Question that has come up is that we have different memberships that are not in our bylaws, need to figure out what to do that? What is a sustaining member? Humpolick thinks it goes back to the founding of the association. Huey thinks it was around the time that Ian was President. Anyway, committee is taking a close look at the different types of memberships and what they can provide. Susan was worried about bar memberships are declining and don’t want to lose membership. Let’s clearly define what it means to be an OACDL member. Committee is on a task to make benefit happen at each level. As long as we are not changing the by-laws, we can redefine the memberships. Benefits include – extra discounted rates, credits toward seminars, t-shirts, paid for reception, fancy OACDL portfolio. Huey wants president memberships to come with a plaque. Other handout for strategy to recruit and gain new members. Keep law students involved. We are really only 10 off from the all-time high. Board member can sponsor new member for \$35 for first year. Should we change the name every year for the hot topics? More specific. Seminars at no cost for OACDL members only?
- b. **Amicus** – Nothing new to report.
- c. **Strike Force (Dan Sabol)**
 - i. Issue with Charlie Rittgers?
 - ii. Contempt proceedings on the listserv? Sabol helped this member out, involved Brian Jones.
- d. **Ethics** – no report
- e. **Public Policy (Sarah Schregardus)**
 - i. Encourages everyone to read the report of Nikki Clum, 64 pages, comprehensive report. And OPD report with bills of concern.
 - ii. **HB 228** (self defense) Sarah personally spoke with senator Edgar and
 - 1. Put the burden of proof on the State for a Defendant NOT acting in self defense.
 - iii. **Reagan Tokes Law**
 - 1. OPD has reached out to us on supervision Reagan Tokes Law – part of it brings back indefinite sentencing.

2. Here's your minimum sentence, if you screw up in prison, you get more tacked onto that.
3. This is exactly what you wanted not to do with Senate Bill 2 and now we are going back there. Limits probation and parole to 30 cases. Trying to regulate how defendants are monitored. Act is written to make this extra complicated, it adds for the creation of a committee that has probation officers on it and for them to create a set of standards meet the Nation's best practices standards.
4. Huey says legislature should propose a reduction in case loads for PDs and that will kill the bill.
5. Any questions about this or bills on here HB228 and Reagan Tokes Law, let Sarah know and she will help you. As far as proceedings, if it passes the house, goes back to Senate Committee, needs to be voted out of that committee. Should OACDL take a position on Reagan-Tokes?
6. Sarah doesn't know that there is a solid position to take on it. Bits and pieces we may oppose or support?
7. As amended, what the house passed and what the senate committee are considering are as different as night and day (Blaise Katter), he could easily see the senate and house not agreeing on any of it, or them coming together and passing it. Most irrelevant thing now is that it passed in the house – Blaise Katter.

f. **CLE (Doug Clifford)**

- i. Doug passed out list of speakers since 2017, asking for emails of CLE speakers, potential speakers for CLEs, wants a full database.
- ii. Monthly phone calls with the committee make a big difference.
- iii. Please be on the lookout for new speakers for OACDL (Meredith O'Brien) we always want new speakers or speakers interested in speaking.
- iv. There will be some speakers present at the reception tonight, we will all make them feel welcome.
- v. Myrtle Beach Retreat! Put in on your calendars! Jon Saia, says to come on down, it's a good time, we have OACDL stuff from 830-noon. Blaise jumped in and did a presentation on the recodification committee. Beautiful hotel right on the beach, every room is ocean view, every room is ocean view, day after we leave rooms go up in price, so it's a perfect time. **May 17-18** = actual seminar. Thursday night there is a meet and greet.
- vi. **Death Penalty Seminar (Dave Stebbins)** he wants out, someone has to take it over.
- vii. Tim Huey – talked to lobbyist for OSBA, may have an opportunity and should be nimble with seminars with the next coming year. Depends on how Issue 1 goes – if it fails only by a few points it's

going to be like the marijuana law with issues. May be movement on criminal justice reform.

- viii. Jon Saia – on Issue 1. Paul Pfiefer sent out an email to all the judges today that as history as shown, 60% is needed for passage and Issue 1 only has 47%. Judge Chris Brown supports it.

g. **Publications** (welcome John Tyack to the table)

- i. John Tyack is the new chair to the publication committee, good team with him. Holly Kline is his associate who was former editor of the OSU law journal. Perfect for her.
- ii. Shawn and John Tyack need to get together to talk about the process.
- iii. Invites board members to write – with good ideas or wishes to write the articles.
- iv. Vindicator is a great opportunity for OACDL to share information – not even philosophical, but real life nuggets to what you're working with.
 - 1. Huey – says it's a heck of a good thing to get in front of judges.

h. **Technology** (Ken Bailey)

- i. OACDL is on a new listserv system – it was time. The Yahoo system was a problem. Now we are on maillist. It costs us a \$1.04 per member per year.
- ii. Don't test your connection to the listerv! Ken Bailey is dealing with the bugs in it.
- iii. One initial problem was that there if there folks who had their own domain, the spam filter may misidentify the email.
- iv. "It's not that hard" – Blaise Katter
- v. Start Instagram and Twitter. Get the repost App for Instagram, Facebook, and Twitter (Meredith O'Brien)

i. **Senior Committee** (Joe Humpolick)

- i. Wants committee for mentoring, older members
- ii. Seminars in Cleveland or Columbus for elderly, 1 hour CLEs from March to September to avoid bad weather.
- iii. The idea is to keep our senior lawyers involved.
- iv. Mike is excited about this because we are the only association who really caters and focuses on senior members.

VIII. New Business (Ken Bailey)

- a. Jail Conditions – this has been continually presented to Ken in increasing frequency. Ken wants to scheme up a device to propose to a friendly legislature is the idea of an ***inmate's bill of rights***. Ken sees refusals of routine medications, getting rid of library, on going scheme of 'how can we make this as awful as possible.'
 - i. Jon Saia has a comment – Judge McIntosh came to COACDL believes that every inmate gets a physical within 24 hours of getting in the jail. Saia challenges this to the Judge, says this is ridiculous.

Judge thought lawyers were lying to him and that inmates are actually getting treatment or medical treatment.

- ii. Ken says, 'let's start with the Vindicator' to get the story out there. Huey says throw something out on the listserv, talked to a member recently that someone just died for not being given medication.
- iii. Huey believes a lot of jails are outsourcing the medical side of the incarceration. The ones they outsource to do not have sovereign immunity?
- iv. Sarah is curious as to what DRC is getting out there? Jail is WORSE THAN PRISON. LIFE GETS BETTER IN PRISON! She is curious as to DRC and their position – who deals with this issue in DRC?
- v. Huey – let's find a civil attorney who has got an action pending currently, excellent potential author for an article.
- vi. Streng – let's create an ad hoc committee to report back in December.

1. Eric, K. Ron, Sarah = ad hoc committee

b. **BarBri Partership** (Ken Bailey)

- i. Can we work with them for New Lawyer Training? OSBA does it now, we can do it better!
- ii. Blaise Katter – through OSU Law, Blaise believes that in trial advocacy class people went into criminal law and were totally overwhelmed, so couple with participants who are in trial ad because when they got out in the real world they needed mentorship.
- iii. Ken asked BarBri for the materials they provide regarding criminal law, we may want to build our own criminal law outlines. Maybe teach these outlines to new lawyers.
- iv. Dave Stebbins – does BarBri teach anything in “real” criminal law?
- v. Ken thinks that BarBri helps with criminal procedure.
- vi. Blaise – the best thing of criminal law is teaching the difference between larceny and common law burglary. No does of realism.
- vii. **Goal is to build a New Lawyer Training Program** for individuals who know they want to be criminal lawyers. Thought is to build a younger membership base, because we can open the door and give you the training for free, because we care, and we want you not to screw your clients. Brian, Tim, Blaise.

c. **Open Letter Renouncing Victim Centered Investigations?** Not sure we are doing this yet. Just an idea right now.

IX. **Move to Adjourn** – seconded.

X. Mike Streng final remarks – member reception December 13, 2018 after the Board Meeting.

XI. Adjourned at 6:09PM.

Board Member Attendees

Jeff Gamsso
K. Ron Bailey
David Stebbins
Dan Hannon
Tim Huey
Anthony Rich
Sarah Schregardus
Dan Sabol
Eric Long
John Tyack
Tony Mollica
Blaise Katter
Meredith O'Brien
Ken Bailey
Jon Saia
Mike Streng
Zach Mayo

(Via conference call)

Brian Jones
Joe Humpolick
Charlie Bates
Charles Newberger
