

**State Bar of Michigan
Criminal Law Section
2009 – 2010 Annual Report**

Mission Statement:

The Criminal Law Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, the State Bar website, public service programs, a listserv, and publication of a newsletter. The purposes of the Criminal Law Section are to study criminal law and procedure in Michigan to make recommendations to the State Bar, the Legislature, the Judiciary and the general public concerning improvements to the Criminal Justice System to promote justice and the efficient administration of justice, and to protect the public and individual rights.

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Newsletter
Editor: Elaine M. Spiliopoulos

Council Meeting Schedule

The Criminal Law Section (“CLS”) meets the second Tuesday of each month at Lexington Hotel, 925 South Creyts Road, Lansing Michigan.

Events and Seminars

At the State Bar Annual Meeting in September 2009, CLS hosted a panel of speakers from around the State to discuss the increasing importance of specialty courts and their costs and benefits to the public and members of the bar.

The annual President's Day Weekend Ski Conference and Seminar was held at the Shanty Creek resort in Bellaire, MI. The topic was Discovery issues in State and Federal Court. Timothy Baughman of the Wayne County Prosecutor's Office, and author of "Michigan Criminal Law and Procedure Desk Book," gave a presentation on the most significant criminal law cases of 2009. He also provided a 50-page outline with a brief synopsis of those cases. State and Federal discovery issues were explored by an outstanding panel, including: Kenneth McMorro, Chief Appellate Attorney of the Kent County Prosecutor's Office; Steven Fishman, Detroit Defense Attorney and Graham Teall, Assistant US Attorney for the Eastern District of Michigan. Our final speaker was Patricia E. Hubbard, a licensed investigator who provided an enlightening talk about benefits of a private investigator in a criminal case.

The 5th Annual Spring Conference this year will be held at the Bavarian Inn Lodge, Frankenmuth MI. The topic discussed will be the collateral consequences of criminal convictions, sentencing and sentencing guidelines, and the immigration consequences of criminal convictions. The Speakers will include Mariam Aukerman, from Legal Aid of Western Michigan, William Vaillencourt, Jr. from the Livingston County Prosecutor's Office, Anne Yantus from the State Appellate Defender Office in Detroit, Francisco Villarruel, Defense Attorney and Rafael Villarruel from the Federal Defender's Office.

Cases and Court Rules

The opportunity to provide the Supreme Court of the State of Michigan with two amicus briefs made for a very exciting year. CLS adopted the amicus brief submitted by the Michigan Civil Rights Commission and Michigan Department of Civil Right in *People v Charles Merriman* COA Docket NO. 292281. CLS submitted its own brief in the case of *Duncan v State of Michigan*. Those cases dealt with the provision indigent defense services and the compensation of attorneys providing those services.

The CLS has been vocal for a number of years regarding the hardships, for both the defense and prosecution, resulting from the arbitrary "91 day trial track." Finally, the Supreme Court has proposed lengthening the time an additional 63 days. See ADM File No. 2010-08 Proposed Administrative Order No. 2010-X Proposal to Rescind Administrative Order No. 2003-7 and Adopt Administrative Order No. 2010-X to lengthen the "91 day trial track" to 154 days.

Resources Provided by the State Bar of Michigan

The State Bar maintains and controls the listserv for the CLS as well as accounting and providing program support. We are extremely grateful for the help and support provided by the State Bar.

Future Goals and Activities

The Section's Annual Meeting program will discuss the new "Marijuana Law in Michigan, What every practitioner wants to know but is afraid to ask."

The CLS will continue to monitor the legislature and the Supreme Court regarding laws and court rule changes that affect the practice of law in the State of Michigan. We will offer the newsletter and keep the members as informed as possible as to critical changes in the law to provide our members with information that is vital to their practice and the citizen of the State of Michigan. We will continue to provide continuing legal education and our seminars twice a year. We hope to encourage and expand the participation in CLS conference and seminars, to that end, we plan to offer scholarships to upcoming seminars and conferences. We maintain an open door and encourage members to contact the chair or other sections members with thoughts and ideas.

Respectfully submitted,



Opolla Brown
Chair of the Criminal Law Section