

Judge David Hoort, Chair  
 Charles Marr, Chair-elect  
 Stephen Gobbo, Secretary  
 Judge William Caprathe, Treasurer  
 Graham Teall, Parliamentarian  
 Elaine Spiliopoulos, Editor

## Criminal Law Section Annual Report State Bar of Michigan

**Bar Year: 2013-2014**

**Section Name:** Criminal Law Section

Mission Statement: The Criminal Law Section of the State Bar of Michigan provides education, information, and analysis about issues of concern through meetings, seminars, public service programs, and publication of a newsletter. Membership in the Section is open to all members of the State Bar of Michigan.

The purpose of the Criminal Law Section is to study the criminal law and procedure of the State of Michigan, make recommendations to the State Bar of Michigan, elected officials, the Legislature, the judiciary, and the general public of this State concerning alterations, innovations, and improvements therein so as to promote justice and the efficient administration of justice, to protect the public and the rights of each individual; to promote means of reducing the volume of crime in the State of Michigan; and to promote effective institutional and non-institutional correction and rehabilitation of individuals convicted of violating criminal laws of the State.

### Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	David Hoort	100 W. Main St., Ionia, MI 48846	6165275336	dhoort@ioniacounty.org
Chair-Elect	Charles Marr	Northville, MI	2485961599	marrlaw@msn.com
Secretary	Stephen Gobbo	Lansing, MI	5172412631	sjgobbo@gobbolaw.com
Treasurer	William Caprathe	Bay City, MI	9892256407	bcaprathe@netscape.net

Member	Term	Member	Term
Michael Brady	9/30/2014	Opolla Brown	9/30/2014
David Gilbert	9/30/2014	Sherrie Guess	9/30/2014
Michael Nichols	9/30/2014	Stephanie Farkas	9/30/2015
M. Jon Posner	9/30/2015	Jonathan Sacks	9/30/2015
Graham Teall	9/30/2015	William Winters, III	9/30/2015
Joshua Blanchard	9/30/2016	Ward McDonough	9/30/2016
Matthew Smith	9/30/2016	Stephen Taratuta	9/30/2016
Kimberley Reed Thompson	9/30/2016	Eric Scott (Children's Law Sec)	
Kenneth Malkin (CDAM)		Heather Garretson (Crim Issues)	
Bruce Timmons (CJaP)		Judge Paula Manderfield (MJA)	
Michael Marutiak (Prisons & Corr)		Charles Sherman (PAAM)	
Judge Hugh Clarke (MDJA)		Elaine Spiliopoulos (Editor)	
Richard Cunningham (Comm Liais)			

**Council Meeting Schedule:**

Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Council Meeting	10/15/2013	East Lansing, MI
Council Meeting	11/19/2013	East Lansing, MI
Council Meeting	12/17/2013	East Lansing, MI
Council Meeting	1/21/2014	East Lansing, MI
Special Council Meeting	2/15/2014	Shanty Creek, MI
Council Meeting	3/18/2014	East Lansing, MI
Council Meeting	4/15/2014	East Lansing, MI
Council Meeting	5/20/2014	East Lansing, MI

**General Budget Information:** The 2013-14 Section year included an increase in the bar dues for the CLS to \$25.00, plus the continuation of complimentary memberships for new lawyers. In 2013-14 the CLS newsletter is fully electronic, and conference materials are being offered via flash drives to minimize Section costs. The ending fund balance in the last reported SBM CLS Financial Report (for the period ending 4/30/2014) was \$70,113.82, but did not include expected expenses for the Spring Conference, Traveling Roadshow and Council Meeting related expenditures. The CLS Council is expecting a positive fund balance for the 2013-14 Section year.

**Events and/or Seminars:**

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
CLS Traveling Roadshow	09/14/2013	Grand Rapids, MI
Annual Meeting; Problem Solving Courts	9/20/2013	Lansing, MI
CLS Brunch	10/6/2013	Portland, MI
Winter Conference (Eyewitness Identification)	2/15-17/2014	Shanty Creek, MI
CLS Traveling Roadshow	3/29/2014	Detroit, MI
Spring Conference (Forensic Science)	6/6,7/2014	Frankenmuth, MI

**Legislative issues:** 2013-14 was a productive but frustrating year for the CLS Council. In this era of 'fast track' legislation, and partisan politics, the era of deliberative legislation seemingly has become the exception rather than the rule. In 2013-14 the CLS Council weighed in on proposed Juvenile Life Sentencing; Expunction; Sobriety Courts; Preliminary Examination legislation; Driver Responsibility Fees; Court of Claims re-organizations; Mileage for Jurors; Recording of child testimony; Saliva-based roadside drug testing; Sexual Assault kits; and a proposed amendment to MCR 6.302; . At the direction of the Council, letters were also sent on matters of interest to the Section: Saliva-based roadside testing, the use of COMPAS in pre-sentence reports, the reporting of expenditures under the Michigan Campaign Finance Act, Appointment of a CLS member to the Indigent Defense Commission, and to the MSC Task Force on the role of the State Bar.

**Recommendations for next Council:** The CLS Council may need to explore new alternatives. In person seminars are being replaced by video conferencing and information readily available via online research and listservs. Term limits, fast track legislation, and partisan politics suggest that the prior deliberative process utilized by the Section and State Bar may no longer be an effective means of advocacy. The Council may thereby need to explore old and new alternative means to collaborate with the legislative and administrative bodies of government, and partnerships with other sections and/or entities to provide educational opportunities/resources to its members.

**Other Information:** With over 2,000 members, the CLS includes academia, prosecutors, criminal defense attorneys, judges, and representatives from the Michigan Judges Association, Michigan District Judges Association, Prosecuting Attorneys Association of Michigan, the Criminal Defense Attorneys of Michigan, Children's Law Section, Criminal Issues Initiative and the Prisons and Corrections Section of the State Bar. At the SBM Annual Meeting in September, 2013, the Criminal Law Section, with the Prisons & Corrections Section and the EAI Disabilities Workgroup, presented a panel discussion relating to problem-solving courts and pilot projects across the state: Lessons Learned & Implications for People with Mental Health Care Needs. In October of 2013 the Lt. Governor was our guest speaker at the CLS orientation brunch to start the section year. At our Winter and Spring Conference, presentations were made on Eyewitness Identification and Forensic Science. In 2013-14 the Section offered Traveling Roadshows on topics of interest, with presentation and panel discussions involving academia, judges, prosecutors and defense counsel. Council members met with representatives formulating preliminary examination legislation reform, continued to collaborate with other sections on topics of similar interest, and are engaged to meet with representatives of the Council for State Governments for the Sentencing Commission reforms. During the 2013-14, the CLS Council formulated a policy for the filing of Amicus Curiae briefs. In 2013-14 the CLS Council utilized a voting process by email to address legislative issues and other matters of concern to the section requiring immediate action. The CLS Council also supported financially the Young Lawyers Section Annual Summit in May of 2014, helped fund a grant to a Section member for a research project relating to collateral consequences, and added a representative from the Michigan District Judges Association to the Council.

Respectfully submitted,

David A. Hoort, Chair  
Criminal Law Section  
June 11, 2014