

MINUTES OF THE CRIMINAL LAW SECTION  
STATE BAR OF MICHIGAN  
April 19, 2011

Members Present: David E. Gilbert, , Sherrie Guess, Graham L. Teall, Stephen Gobbo, Charles H. Marr, M. Jon Posner, Kiana Evelina Lee Franulic , Barbara R. Levine, Ward F. McDonough, Jr., Stephen M. Taratuta, Lynn B. D'Orio, Kenneth Malkin, Honorable David A. Hoort, Michael J. Marutiak, Opolla Brown

Also Present: Bruce Timmons, John R. Potbury [for David S. Layton], Elaine Spiliopoulos, Thomas Rombach

I Call to Order by Ken Malkin 6:30 p.m.

- a. Absence with notice:, Michael J. Brady, Steve B. Lockhart, Daniel M. Levy, Jonathan Sacks, Matthew P. Smith and David S. Layton
- b. Absent without notice: None
- c. John R. Potbury appears in place of David S. Layton at his request

II Approval of Minutes from March 15, 2011

No amendments, unanimously approved.

III Treasurer's Report

Presented by Judge Hoort- discussed dinners and new letter costs

Motion to approve was made to accept report and seconded. Motion approved without objection

IV Committee Reports

A. Bylaws- Charles Marr

- a. Discusses changing quorum for annual meeting to 15 voting members- approved by unanimous vote
- b. Officers and Re-election- Secretary and Chair elect-vote to allow each to move up without being re-elected if their elected term expired- unanimously approved- no longer applies to Treasurer and Chair
- c. Motion for adoption of Bylaws as presented to counsel- Motion carried unanimously

B. Shanty Creek- Steve Taratuta

- a. Reviewing offers from Shanty Creek and Crystal Mountain, Shanty Creek appears to be too expensive
- b. Motion to stay with Shanty Creek and pay deposit- motion carries unanimously
- c. Motion to approve Shanty Creek contract subject to legal review of the State Bar- Motion carried unanimously

C. Mackinac Island- Charles Marr

- a. Things going well- speakers on line for Medical Marijuana Policy

- b. Public Corporation section willing to work with us- authority given committee by Chair to decide whether sponsorship will be offered to help defray costs
      - c. Timeline- up to committee
    - D. Membership Committee- Kianna Franulic
      - a. Discussed young lawyers
    - E. Budget Committee- Judge David Hoort
      - a. Membership dues discussed
      - b. Newsletter- production costs for each issue include: over \$2,000.00 in postage, about \$750.00 for printing, \$600.00 for inserts, \$200.00 for addresses. For the first four issues of this year, we have averaged \$3,140.00 per issue, plus Elaine \$1,000.00 cost
        - i. If we merely put the newsletter on our website it will cost \$140.00 per issue
        - ii. If we place the newsletter on PDF, it will cost \$75.00 per issue
        - iii. Discussions led to website issues are not user friendly because of they use double paragraphing on each page, whereas PDF is more user friendly and easier to read, not having to scroll down then up
        - iv. Motion to transform Newsletter to fully electronic newsletter beginning the next fiscal year passed unanimously
        - v. Motion to return to 10 newsletters beginning next fiscal year passed unanimously
        - vi. Motion to transition to electronic media with written hardcopies for the balance of this fiscal year carries with one Nay vote
      - c. Lobbyist-
        - i. CDAM pays \$14,000.00 per year for their lobbyist
        - ii. Chair believes it may be worth paying for a lobbyist depending on what price we get
    - F. Annual Meeting- Sherrie Guess
      - a. Program- consensus of the board after discussion is for Sexual Assault/SORA
      - b. Budget- Board approves \$6,000.00 for budget for annual meeting
- V Legislation and Court Rules
- A. Defense Access to LEIN- received feedback from newsletter- aloha- need legislative changes in the statute itself to allow the defense to be supplied CCH of witnesses, not necessarily the entire LEIN document
  - B. HB 4327- tabled to next month
  - C. HB 4164- Board Position: Oppose Bill – Vote: 0 for, 15 against, 0 abstentions
  - D. MCL 712A.11- Board Position: Support – Vote: 14 for, 0 against, 1 abstention
  - E. HB 4392- tabled for future review

Graham Teal, Steve Taratuta and Opalla Brown must leave

- F. SB 246, 247 Board Position: Support in Principle- Vote: 10 for, 0 against, 2 abstentions- reasoning: legislation is attempting to fill a gaping hole in juvenile justice system- the issue is the professional abilities of the examiner- not in favor of mere social worker, and want an amendment adding that, if forensic mental health examiner is not available, then the court should be able to appoint another qualified person to do the exam.
- G. Sentencing Guideline Request- forward names of people interested in working on this
- H. SB 319- tabled to next meeting
- I. HB 4472- Board Position: Opposed- Vote: 0 for, 12 against, 0 abstentions
- J. Legislative Report- Bruce Timmons

VI. Chair's Report

- A. Cancelling June meeting due Mackinaw Island meeting- unanimous vote
- B. Motion made and approved for Section to pay the expenses of Steven Taratuta to attend the Bar Leadership Conference/Counsel

V. Adjournment

- A. Next meeting May 17, 2011
- B. Motion to adjourn seconded and passed around 9:32 p.m.

Respectfully Submitted,

/David E. Gilbert/  
David E. Gilbert  
Secretary