

STATE BAR OF MICHIGAN
Criminal Law Section

Draft of Meeting Minutes
Dated April 16, 2013

Members Present: David Gilbert, Steve Gobbo, Michael Marutiak, Chuck Sherman, Heather Garretson, Matt Smith, Sherri Guess, Mike Nichols, Josh Blanchard, Charles Marr, Honorable David Hoort, Jonathon Sacks, Ken Malkin, Honorable Bill Caprathe, Barbara Levine, David Gilbert, Opolla Brown, Jon Posner, Ward McDonough, Steve Taratuta, Honorable Paula Manderfield, Stephanie Farkas, William Winters,

Also Present: Bruce Timmons, Tom Rombach

I. Call to Order by the Chair: David Gilbert at 6:33 p.m.

- a. **Absence with notice:** Michael Brady, Graham Teall
- b. **Absent without notice:**

II. Approval of Minutes:

A Motion by Chair Dave Gilbert to table approval of the March Minutes, was seconded by Opolla Brown, and the motion passed.

III. Treasurer's Report:

The Treasurer's Report was given by Treasurer Steven Gobbo showing a year to date revenue increase over last year. There was a motion to accept the report by Charlie Marr, seconded by Opolla Brown, and the motion carried.

IV. Committee Reports:

- a. There was no additional report on the Winter Conference.
- b. Charlie Marr gave a report on the upcoming Mackinaw Conference and the difficulties in obtaining the main speaker.
- c. The agenda listed Graham Teall as the chair. Steve Gobbo is chair and gave the report. There was discussion about doing a joint program with the State Bar on Mental Health Courts. After discussion, there was a motion by Opolla Brown to sponsor a joint program on Mental Health Courts with the State Bar to be held at the Annual Meeting. The motion was seconded by Ken Malkin, and carried.

- d. Judge Hoort gave a report on the upcoming Traveling Criminal Law Training Program. The program is set for Saturday, 20th of April. The program is sold out an effort will be made to keep the program as simple as possible.

V. Legislation/Court Rules:

- a. Bruce Timmons gave an update. The Juvenile Lifer law is being reintroduced, and also a Bill related to drones is being introduced.
- b. After discussion, Ken Malkin made a motion to support Senate Bills 300 and 301, and House Bills 4529 and 4530 in principle. The motion was seconded by Opolla Brown, 20 members voted in favor, 1 opposed, no abstentions.
- c. House Bill 4451. There was a motion by Judge Manderfield, seconded by Heather Garretson to support House Bill 4451 in principle. 18 members voted to support the motion, 3 voted against, and 1 abstained.
- d. ADM 2011-31, amendments to several Court Rules. A motion was made to support by Matt Smith, seconded by Heather Garretson, 19 members voted in favor, 1 abstained.

VI. Old Business: (Improperly listed as roman numeral VII on the agenda)

- a. There was no report on the Amicus Curie Brief on *People v. Musser*.
- b. Liaisons; the Chair is still waiting to hear from Kelli Podolsky regarding serving as the liaison to the Children's Law Section on behalf of the Criminal Law Section.
- c. There was discussion reminding members about the Summer Barbecue to be held at the home of Mike Brady on Sunday, June 9th.

VII. New Business: (Improperly listed as roman numeral IX)

- a. The Mental Health Courts Panel was actually discussed by Steve Gobbo during the annual meeting.
- b. There was discussion regarding the upcoming Representative Assembly Meeting, and the Agenda passed out by Carrie Sharlow at the Bar. There were essentially two (2) areas of concern to the Section. One involved the nomination of Marty Krohner for an award as previously recommended by the Section; the second was the agenda item dealing with creating an inventory for sole practitioners. No position was taken by the Section on either.
- c. Ken Malkin made a suggestion that we consider getting the Criminal Jury Instructions placed on the State Bar website just as the Civil Jury Instructions are. There was

considerable discussion. Tom Rombach pointed out that the Supreme Court will be holding a public hearing, but that they have already indicated that they will be taking over from the standing committee.

X. Good and Welfare: (which is improperly listed and should be VIII)

Judge Caprathe gave a report about his recent attendance at the Comprehensive Sex Offender Conference in Dallas. There was further discussion about whether the policies discussed could be adopted in Michigan.

IX. (improperly listed as XI)

There was a motion to adjourn by Opolla Brown at 8:15 p.m. seconded by Charlie Marr, the motion carried.

Respectfully submitted,

Charles H. Marr, Secretary