

MINUTES OF THE CRIMINAL LAW SECTION  
STATE BAR OF MICHIGAN  
December 21, 2010

Members Present: Michael J. Brady, David E. Gilbert, Graham L. Teall, Charles H. Marr, Jonathan Sacks, Kiana Evelina Lee Franulic, Barbara R. Levine, Ward F. McDonough, Jr., Matthew P. Smith, Honorable David A. Hoort, Kenneth Malkin, Michael J. Marutiak

Also Present: Thomas C. Rombach, Bruce Timmons, Elaine Spiliopoulos

Guests: Gar Willoughby

Speakers: Laura Sager and Elizabeth Lyons

I Call to Order by Ken Malkin 6:41 p.m.

- a. Absence with notice: Steve Lockhart, Gerald S. Surowiec, Stephen J. Gobbo, Daniel M. Levy, M. Jon Posner, Stephen M. Taratuta, Opolla Brown.
- b. Absent without notice: Lynn B. D'Orio, David S. Leyton

II Guest Speakers

- A. Laura Sager- Campaign for Justice- reported on Indigent Defense Reform and the attempts to create minimum standards in Michigan and presented Michigan's Public Defense Report Card, finding out of the 10 counties followed, none are meeting minimum National standards, [full report at [mijustice.org](http://mijustice.org)] HB 5076 [Michigan Public Defense Act] supported by Campaign for Justice.
- B. Elizabeth Lyon-Lobbyist- spoke of her attempts to obtain some success with bill 5676 which failed- believes more data is needed, looking for public defense commission, claims the issue seems to be splitting by party lines. Reform will be brought up again in 2011; discussed alternative uses of lobbyists, and the costs/benefits
- C. Discussion amongst members about hiring a lobbyist. Lyons to present some proposals on costs.

III Approval of Agenda

Amendments made to agenda, motion made and seconded. Motion to approve carried.

IV Approval of Minutes for October 19, 2010 and November 16, 2010 accepted as amended; Ward McDonough, Jr., abstains

V Treasurer's Report

Presented by Judge Hoort. Motion to approve was made and seconded. Motion approved without objection

#### VI New Business

- a. Motion to Approve Expenses for Stephen M. Taratuta to attend the State Bar Leadership Forum 2<sup>nd</sup> week of June made by Mike Brady, 2<sup>nd</sup>ed by Charles Marr; approved by unanimous vote
- b. Inability to pay support as a defense for Failure to Pay Child support offenses- Judge Hoort presented the issue in light of *People v Harris*, which took the defense away

#### VII Committee Reports

- A. Bylaws- Charles Marr presented proposed new bylaws, had discussion on admitting new attorneys to the section without cost; Issue for next meeting is, Is this something that should be continued? Tabled for one month, as well as adding advertising
- B. Shanty Creek- Jon Posner- everything set
- C. Mackinac Island- Chair Charles Marr- program discussion; Ken Malkin makes non-council appointment of Adam Reddick to Mackinac Committee- has received prices from Mission Point and other Hotels on the Island; suggested topic is medical marijuana
- D. Young Lawyers- Kianna Franulic- nothing new since last meeting
- E. Budget Committee- Judge Hoort- cites big problems financially as the Newsletter and Mackinac Island meeting; these expenses will need to be addressed
- F. Membership Committee- Kianna Franulic- suggests criminal law association for students, working with law schools
- G. White Collar Crime- Graham Teall- has been trying to make a contact, but cannot get a return call.

#### VIII Legislative-

- a. Defense access to lien –Jonathan Sacks would like input
- b. SORA Jonathan Sacks- resolution on SORA deferred
- c. Bruce Timmons- (1) reconsideration of SB 1382- Bond Cancellations- applies only to mandatory prison terms. Motion to continue our position passed 1 nay
- d. Letter opposing fees n/a- already passed motion
- e. Report on SB 1003- Crime Victims fund
- f. 5661 New Assessment rates

#### IX Chairs Report

- A. Letter from Shared Resources
- B. Next State Bar meeting will be in Dearborn
- C. Scholarships- considering parameters for qualifications
- D. Committee on Indigent Defense requested by Barbara Levine
- E. Next meeting will be at the University Club in East Lansing

X Adjournment: Motion to Adjourn 9:15 p.m.

Respectfully Submitted,

/David E. Gilbert/  
David E. Gilbert  
Secretary