

**STATE BAR OF MICHIGAN
CRIMINAL LAW SECTION**

December 15, 2015
The Country Club of Lansing
Lansing, MI

Attendees:	Judge Caprathe, Charlie Marr, Stephanie Farkas, David Gilbert, Michael Brady, Mike Marutiak, Bruce Timmons, Matt Smith, Josh Blanchard, Judge Clarke, Sherrie Guess, Judge Manderfield, Neil O'Brien, Christine Piatkowski
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Absent: Steve Gobbo, Elaine Spiliopoulos, Kimberley Reed Thompson, Erane Washington, Ken Malkin, Charles Sherman, Ryan Zemke, Bill Winters, Steve Taratuta, Opolla Brown, Ward McDonough

I. Call to Order –

- Caprathe called the meeting to order at 6:31pm
- Attendance – Reminder to sign in
- Intros – Judge Manderfield's last meeting, Judge Martha Anderson to replace as MJA Rep. (to attend Jan. meeting)

- Presentation of Deb Denyer, Mission Point Resort

- New PAAM Rep. – Neil O'Brien

II. Secretary's Report/Meeting Meetings

- Motion to approve Nov. Minutes by Gilbert, Marutiak seconded. Carried.

III. Treasurer's Report

- Caprathe opens discussion regarding financial reports
- Marr moved to accept the reports. Seconded by Clarke. Carried.
- Discussion regarding possible section policy for spouse reimbursement. Marr moves to table, seconded by Marutiak. Carried.
- Discussion re possible scholarships for YLS/CLS members. Marr moves that CLS and YLS members receive waiver of registration fee, seconded by Manderfield. Marutiak proposes a scholarship committee with a set budget and committee set up and facilitate. Blanchard friendly amendment – under 5 years. Amendment accepted by Marr. 13-0 vote.
- Manderfield motions for sub-committee, budget for committee for scholarships, with their recommendation for criteria and discretion for budget recommendation. Clarke seconded. Carried.

- Smith moves for \$2500 specifically for Shanty Creek, Clarke seconded. Carried 13-0.

IV. Committees & Reports

- Shanty Creek committee. No report.
- Frankenmuth/Other – Marr presents report and committee proposal for speaker, Susan Constantine. 3-2 committee vote. Use her for Friday and use another speaker on Saturday. Believe hotel is set. \$7,000 quoted as rate – looking to negotiate. Seeking budget of up to \$15,000. Looking at other topics for Saturday. Seconded by Clarke. Carried 7-5 – no vote for chair. Guess moves to reconsider. Brady seconded. Thought budget and program separate. 7-6 opposed to reconsider.
- Policy Conference – No Report
- Advertising – No Report. Marutiak reports that will begin advertising once Frankenmuth decided. Will alert Elaine re scholarships and adding announcement to newsletter.
- Annual Meeting – Gilbert volunteers for committee. Farkas to chair.
- Nominations – No report.
- YLS – No report.
- Legislative – Emailed update. DNA bill presented to Governor re sunset provision – date eliminated. Presumptive parole. Mens rea bills to be voted on tomorrow by Senate and likely House on Thursday. No action proposed.
- Briefs/Amicus – No report.
- Other – No reports.
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V. Representatives to the Council and Other Reports or Discussion

- Indigent Defense commission - Meeting today. Local positions filled.
- CDAM – No report.
- Criminal Jury instructions – Possible new instructions re vulnerable adult abuse. Table to next meeting. Clarke moves to send letter to extend comment period to Feb. 1, 2016 to allow opportunity to review and comment if necessary. O'Brien Seconded. Carried. Chair to send letter.
- Criminal Justice Initiatives - No report.
- Criminal Jurisprudence & Practice – Meets later this week. Looking into Teen Court. No rep. at this time.
- Prisons & Corrections – No report.
- PAAM. – Neil O'Brien new rep. Seeking more input.
- MJA – Manderfield stepping down, Martha Anderson new rep.
- District Court Judges – Clarke reports re seeking input from DCJ on juvenile bills.
- Board of Commissioners – No report.
- Children's Law – Holiday Party on Friday @ Kelly's Bar.
- SADO/MAACS – Caprathe reports meeting tomorrow

VI. Legislation/Court Rules

- Change in age of criminal responsibility – 20 bill package. Piatkowski sent out email on overview/background re issues associated with the bills – children in prison system. Children’s Law section supported most. Waiver criteria changing. Funding/cost is an issue. Proposed modification of child care fund. State costs vs county costs. Coming, just a question of when.
- Piatkowski adds to discussion - money is where the fight is. Small amount of kids in 17 and under category. Children’s Law Section supports. Better to rehabilitate and how 17 y.o housed in MDOC – segregation vs programming. Discussion re waiving back down under judicial discretion. Other groups supporting as well – Michigan Council on Crime and Delinquency.
- O’Brien expresses concerns. Probate and Prosecutor’s associations oppose. Jurisdictional time limit concerns to supervise/treat juvenile offenders.
- Piatkowski proposes to invite rep. from MCCD to next meeting to further discuss and will let Gobbo know.

VII. Projects/Other

- New Business – Smith discusses Kolenda book. Completed updated version, will be available for upcoming conferences. Delayed due to needed updated. This will be his last one. How to compensate now that we are not going to the Grand Hotel. Further discussion tabled.
- Good and welfare.

VIII. Adjournment

- Clarke motioned at 8:33pm, seconded by Smith.