

**State Bar of Michigan  
Criminal Law Section Council Meeting Minutes  
12/15/2020 Electronic Meeting by Zoom**

Meeting called to order at 6:30 pm

- Attendance
  - Present (19) voting members: Christina Hines, Stephanie Farkas, Edward Zeineh, Michael Marutiak, Anthony Greene, Matthew Smith, Edward Hess, Ryan Zemke, Bruce Timmons, Takura Nyamfukudza, Stephen Gobbo, Hon. Michael Clarizio, Doug Lloyd, Nicole Huddleston, David Gilbert, Cassandra Green, Sofia Nelson, Kahla Crino, and Christina Piatkowski
  - Present Non-voting Members (1): Elaine Spiliopoulous
  - Excused Absences (1): Jennifer Lamp,
  - Unexcused Absences(1): Opolla Brown
  - The Secretary and Chair confirmed that a quorum was present.
- Welcome, introductions, and remarks of chair
  - New Council members Huddleston and Hess introduced themselves to the Council.
  - The Chair Hines referenced her comments from the November 17, 2020 meeting that her priority this year was to work on diversity and inclusion on the Council through conference and scholarship.

Consent Agenda

- Farkas moved to adopt the consent agenda. Nelson seconded. Motion passed by voice vote as follows: YEA: 18, NAY: 0, ABSTAIN: 1

Treasurers Report

- Nelson reported that there was an increase in revenue from membership dues and a decrease in expenses (when compared to last year).

Committee Reports

Legislative and Court Rules (Timmons, Gobbo, Lamp, Greene, and Nelson)

- HB 5679
  - Green moved to oppose and Farkas seconded. Motion passed as follows (Lamp voting via email): YEA: 18, NAY: 1, ABSTAIN: 1

- SB 1046-1051
  - Timmons expressed that the Senate is not likely to take action on the bill this year, and that taking a position would not be impactful.
- ADM File No. 2020-26
  - Zeineh moved to support, and Gobbo seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 19, NAY: 0, ABSTAIN: 1
- ADM File No.2020-07
  - Nelson moved to support “Option A.” Hess commented that option A is for pro se defendants. Nelson revoked and moved to support “Option B.”
  - After further discussion, Nelson revoked her motion to support option B.
  - Zeineh moved to table the issue for further discussion, and Nelson seconded. Motion passed by hand vote as follows: YEA: 16, NAY: 2, ABSTAIN: 1
- ADM File No. 2019-06
  - Farkas moved to support, and Green seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 13, NAY: 5, ABSTAIN: 2
- ADM File No. 2019-48
  - Gobbo moved to support, and Smith seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 19, NAY: 0, ABSTAIN: 1
- ADM File No. 2019-35
  - Hess moved to support, and Nelson seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 17, NAY: 2, ABSTAIN: 1
- MI Crim JI 5.15
  - Gobbo moved to support, and Timmons seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 18, NAY: 1, ABSTAIN: 1
- MI Crim JI 17.2a
  - Hess moved to support, and Green seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 19, NAY: 0, ABSTAIN: 1
- MI Crim JI 33.1a
  - Hess moved to support, and Green seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 19, NAY: 0, ABSTAIN: 1

- MI Crim JI 40.1, 40.2, and 40.3
  - Green moved to support and Hess seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 19, NAY: 0, ABSTAIN: 1
- MI Crim JI 39.7 and 39.7a
  - Hess moved to support, and Green seconded. Motion passed by hand vote as follows (Lamp voting via email): YEA: 19, NAY: 0, ABSTAIN: 1
- MI Crim JI 39.8 and 39.8a
  - Farkas shared that there might be an upcoming amendment to the proposed instruction. Gobbo suggested that the Council take no action.
- Midwinter Conference (Farkas, Antovski, and Gilbert)
  - Farkas reported that the Midwinter Conference will be via Zoom on February 13, and that it will focus on the topics of diversity, implicit bias, and racial justice.
  - Spiliopoulous reported that the committee made contact with several possible speakers, but no one has committed to speaking at the conference yet.
- Diversity Committee (Nyamfukudza, Nelson, Brown, Greene, Zeineh)
  - The Chair reported that the Diversity Committee met and discussed further ideas and details for the scholarships. The committee discussed the possibility of two \$4,000 scholarships for law student interns from diverse backgrounds; one would go to a law student in a prosecutor's office and one would go to a law student in a public defender's office.
  - Lloyd shared that it costs a prosecutor's office \$7,000 per term to fund a law student intern.
  - Zeineh shared that he believed the term "diversity" should be further defined because there are many interpretations.
  - The Chair sought general approval from the Council to continue perusing and discussing this idea. The Council expressed general approval to continue discussing the scholarships.

#### Representatives to Council Reports/Discussion

- Michigan District Judge's Association, Judge Clarizio
  - None
- Michigan Judge's Association
  - No representative
- PAAM, Lloyd
  - None
- Criminal Jurisprudence and Practice Committee, Nelson

- Nelson reported that since she was elected as Treasurer, she is resigning her position as the Criminal Jurisprudence and Practice Committee representative so that a new representative can be appointed.
- Prisons and Corrections, Marutiak
  - Marutiak reported that the Prison's and Corrections Section's upcoming newsletter is focused on COVID-19 .
- Children's Law Section, Piatowski
  - Piatowski reported that the Children's Law Section is exploring "raise the age" issues and that she is interested in joint educational efforts between the Criminal Law Section and the Children's Law Section.

#### Old Business

- None.

#### New Business and Updates

- Hines, Nelson, and Crino resigned their positions on the Council while retaining their positions on the executive board. This will allow nominations to the three newly vacant positions on the Council.

#### Announcement of Next Meetings

- January 19, 2021 at 6:30 via zoom
- February TBD (zoom)
- March 16 (zoom or in person)
- April 20 (zoom or in person)
- May 18 (zoom or in person)
- June TBD (zoom or in person)
- July TBD (zoom or in person)
- August TBD (zoom or in person)

#### Adjournment

- Motion to adjourn by Gobbo and seconded by Smith. Motion unanimously passed by voice vote as follows:

YEA: 19

NAY: 0

ABSTAIN: 0

- Meeting adjourned at 8:31 pm.

Respectfully submitted,

Kahla Dawn Crino (P71012)  
Secretary, Criminal Law Section  
November 17, 2020

Minutes approved by the Council, *as revised*, by a unanimous voice vote at the Council's January 19, 2021 meeting. Motion to approve made by Zeineh; seconded by Gilbert.