

CRIMINL LAW COUNCIL MINUTES
MARCH 19, 2019

Meeting called to order at Mediterraneo Restaurant Ann Arbor at 6:40 p.m.

Attendance: Judge Michael Clarizio, Neil O'Brien, Josh Blanchard, Edwar Zeineh, Amanda Tringl, Christina Hines, Stephen Gobbo, Anthony Greene, Matthew Smith, Elaine Spiliopoulos, Michael Brady, Michael Marutiak, Richmond Riggs, Ryan Zemke, Stephanie Farkas, David Gilbert, Bruce Timmons, Judge Hugh Clarke.

Excused: Judge Anderson, Brian Watkins, Sophia Nelson

A quorum is present to transact business.

Minutes from January 15, 2019 meeting approved. 17-0 Motion by Zeineh and second by Smith.

Motion by Gobbo and second by Timmons to receive Financials from State Bar approved 17-0.

There was no Secretary's Report as there was no quorum at the February 2019 meeting scheduled in conjunction with the conference at Soaring Eagle.

Judge Clarke tendered his resignation as the Michigan District Judges Association (MDJA) representative on March 4, 2019. Judge Michael Clarizio, 65A District Court, St. Johns, Michigan was appointed by the MDJA to replace Judge Clarke.

MID WINTER CONFERENCE: The report was that this conference was a big success with the largest attendance of any Mid-Winter Conference. Approximately 110 registered and 90 actually attended. CLE credits for attorneys taking cases under MIDC was thought to be the main factor for the rise in attendance. Positive feedback on the conference sessions and presenters.

Motion by Farkas and second by Hines to authorize up to \$2,000.00 for a deposit at Soaring Eagle to have the Mid-Winter Conference at Soaring Eagle in February 2020. Motion approved 17-0.

FRANKENMUTH: Policy Conference set for June 13-14, 2019. A deposit of \$800.00 has already been placed to secure the location at Zehnders. Anyone with suggestions for topics should send them by email to Christina Hines. Motion by Clarke and second by Green to pay for 1 night's lodging. Motion to Table made by Gobbo and second by Farkas passed 17-0. Motion for lodging expense tabled.

ANNUAL MEETING: Discussion of the results of survey by SBM and decision to not have section meetings at the Annual Meeting or NEXT Conference. To comply with the section's by-laws relative to the section annual meeting, the Annual Meeting and Social Committee to meet and propose where to hold our annual meeting.

SCHOLARSHIP COMMITTEE: Reported that 13 scholarships were awarded to cover the cost of the Mid-Winter Conference.

SOCIAL COMMITTEE: The chair reported various options for this year's summer member social event. The more viable event was an outing with a suite to a Detroit Tigers game. The August 10, 2019 game with a 6:10 pm start was offered. A suite holding a minimum of 50-60 people was discussed. The committee will finalize details of this event. A motion by O'Brien seconded by Smith to authorize up to \$10,000.00 for this event was approved 15-1-1.

PRE-TRIAL RELEASE COMMITTEE: Mr. Riggs gave a report and update on House Bills 4351-4356, HB 4358-4359. Highlights of this package of bills is that unless the defendant must be given a personal recognizance bond unless the defendant would pose an undue danger to the community or if released there is a significant risk the defendant will not appear. (HB 4351). Financial disclosure forms must be provided to the defendant and the court may not use a bail schedule. (HB 4352); contempt penalty for providing false financial information in the disclosure (HB4353); prohibition against a financial condition of release that results in detention solely because the defendant cannot meet that condition (HB 4354); HB 4355-4356 allows police offices to release a person on their own recognizance with an appearance ticket instead of an interim bond; and, HB 4358 and 4359 mandate the district and circuit courts to file data reports on types of bonds issued quarterly. No action was taken on the legislation at this meeting.

CRIMINAL JURISPRUDENCE AND PRACTICE- No report. Their next meeting was set for March 22, 2019.

CRIMINAL JURY INSTRUTION: Discussion regarding an instruction in implicit bias was discussed. Any action was postponed.

ACCESS TO JUSTICE-general discussion of SB 76 which would exempt domestic violence victims from jury service; changes in rules for electric filing system (ADM 2002-37); financial ability or non-English speaking parties.

PRISONS & CORRECTIONS-Annual program June 1, 2019 at the State Bar of Michigan. Registration @ 8:30 a.m., program begins at 9:00 a.m. Topics include Trauma-before, during and after incarceration.

PAAM-general report on the Crime Victim Summit with stakeholders and MSC Justices.

MJA-No report

MDJA-No report. New representative for the association Judge Michael Clarizio was introduced.

LEGISLATION-2018-25, MCR 7.312 the group took no position.

The proposed amendment of MCR 7.312 would incorporate into the Supreme Court rules the procedure to be followed for cases being argued on the application. These rules have been previously included in orders granting argument on the application. A proposed new sub rule (K) would alert parties to the fact that they should argue the merits of the case even for motions being heard on the application.

SB-76-Motion to Table by Neil O'Brien did not pass 8-8-1. Motion by Clarke and second by Farkas to oppose SB 76 passed by a vote of 10-5-2. Action reported to SBM.

SB 0076 (LaSata) Courts; other; certain crime victims; exempt from jury duty and provide that certain individuals are not practicing law in violation of the revised judicature act. Amends secs. 916 & 1307a of 1961 PA 236 (MCL 600.916 & 600.1307a).

2002-37-changes to MCR 1.109. No position taken. The rule relates to the electronic filing system.

There was a general discussion of the application and use around the state of the felony firearm statute.

OLD BUSINESS-None

NEW BUSINESS-Young Lawyers Summit May 17-19, 2019 at Motor City Casino, Detroit, MI. Motion by Smith second by Farkas to contribute \$500.00 to the YLS Summit passed 10-6-1.

Motion by Brady and second by Smith to reimburse Elaine Spiliopoulos up to \$2,000.00 for the cost of the March 19, 2019 dinner at Mediterraneo passed 17-0.

Meeting Adjourned 8:59 p.m.

Submitted
Judge Hugh Clarke
Secretary