

## **CRIMINAL LAW SECTION COUNCIL**

### **Minutes for May 19, 2009**

**MEMBERS PRESENT:** Matthew P. Smith, Kenneth M. Malkin, Stephen M. Taratuta, Michael J. Brady, David E. Gilbert, Hon. John T. Hammond, Daniel Levy, Charles H. Marr, Michael J. Marutiak, M. Jon Posner, Graham L. Teall, Barbara R. Levine, Stephen J. Gobbo, Ralph C. Simpson, Gerald S. Surowiec,

**OTHERS PRESENT:** Elaine Spiliopoulos, James Shonkwiler, Bruce A. Timmons

**ABSENT WITH NOTICE:** Opolla Brown, Stephen Lockhart

**ABSENT WITHOUT NOTICE:** Patrick M. O'Connell, Erika S. Julien, Martin P. Krohner, David S. Leyton, Mary C. Pino

The meeting was called to order at 6:34 p.m.

The agenda was approved.

#### **APPROVAL OF MINUTES**

Minutes for April 21, 2009 were approved as amended with agreement that a liaison should not be listed as absent when not attending a meeting, but should be listed under others present when attending a meeting.

#### **TREASURER'S REPORT**

The Section has a balance of \$93,675.16. A motion was made to accept the Treasurer's report. Motion carried with one abstention.

#### **CHAIR'S REPORT**

Shanty Creek sent a corrected copy of the contract to the Chair which he signed.

#### **COMMITTEE REPORTS**

##### **MACKINAW CONFERENCE**

The updated itinerary with scheduled speakers was reviewed by Jim Shonkwiler. State Representative Ellen Lipton (D) from Huntington Woods, Vice Chairperson of the Judiciary Committee has been invited to attend the conference as the Council's guest.

##### **LEGISLATIVE UPDATE**

Bruce Timmons reported on the status of legislation.  
The FAMM (Families Against Mandatory Minimums) passed the House.

Hate legislation is scheduled for a vote tomorrow.  
Expungement legislation has been voted out of committee.  
Testimony was taken on Juvenile Lifer Laws.

Legislation is on the Governor's desk addressing the use of replacement value when Fair Market Value cannot be established for Restitution.

#### SB 473 VIDEO LINKUP FOR INCARCERATED PEOPLE

Motion was made and supported to oppose the legislation due to paragraph 5 which permitted video in instances where defendants should be present. Motion carried with 15 yes votes and zero no votes.

#### SB 474 PLACEMENT OF PRISONERS ON PAROLE

Current legislation was amended to add Section twelve for additional conditions to placing a person on parole. A motion was made and supported to oppose this change in legislation due to the unrealistic barriers it would create for the inmates and the substantial increased costs to the state by reducing the number of paroles. Motion carried with 14 yes votes and zero no votes with 1 abstention.

#### ANNUAL MEETING

Stephen Gobbo reported on the status of the program with the intention of reaching out to Chief Justice Marilyn Kelly as a participant.

### **OLD BUSINESS**

#### CONFERENCE COORDINATOR

Motion was made and supported to adopt the recommendation of the committee that Elaine Spiliopoulos be selected as the conference coordinator for a period of one year.

### **NEW BUSINESS**

#### ATTENDANCE BY NONCOUNCIL SECTION MEMBERS

A consensus was reached the section members may attend our meetings with reasonable notice but meals may not be paid for.

#### BALANCING OUR PRIORITIES

Mike Marutiak announced that a second conference will be held on this topic. A motion was made and supported to authorize an email blast to section members announcing this conference with costs to be covered by the Council.

#### BAR LEADERSHIP CONFERENCE

Motion was made and supported to cover costs for sending Opolla Brown to the Bar Leadership Conference. Motion carried.

Motion was made and supported to cover costs for sending Ken Malkin to the Bar Leadership Conference if Opolla Brown does not attend.

Motion carried with 8 votes in favor and 4 votes opposed with 2 abstentions.

#### NOMINATING COMMITTEE

The Chair appointed the following members to nominate candidates for the Annual Meeting:

Bruce A. Timmons-Chair

Ralph C. Simpson

Stephen M. Taratuta

David E. Gilbert

Michael J. Marutiak

The meeting adjourned at 8:20 p.m