

**MINUTES OF THE CRIMINAL LAW SECTION**  
**STATE BAR OF MICHIGAN**  
**May 18, 2010**  
**DRAFT**

Present at the meeting: Steve Taratuta, Opolla Brown, Michael Marutiak, Hon. John Hammond, Steve Gobbo, Ralph Simpson, Ken Malkin, Matt Smith, Jonathon Sacks Graham Teall, M. Jon Posner, Jerry Surowiec, Bruce Timmons, Barb Levine, Judge David Hoort, Michael Brady, and Dan Levy as members of the Council. Also present Elaine Spiliopoulos – Administrator.

I. Call to Order:

Meeting was called to order at 6:41 p.m.

- a. Absences with Notice: David Gilbert and Lynn D’Orio– Motion was made and seconded to excuse these absences.
- b. Absences without Notice: Steve Lockhart, Erika Julian and Charles Marr

II. Approval of Agenda:

Friendly amendment was accepted to add a Report on the Spring Conference. Motion was made and was seconded. The motion carried with 1 abstention.

III. Approval of the Minutes:

Motion was made and was seconded to approve the Minutes from the April 20, 2010 Meeting with Corrections. Approved without objection.

IV. Treasurer’s Report:

The Treasurer was absence. Matt Smith reported that the State Bar did not send any updates to the Treasurer show he had nothing new to report.

V. 91 Day Trial Track / Case Flow Management Guidelines and Other Changes

The Council had a discussion regarding proposed Supreme Court Administrative Order 2010-X. The Council approved in principle the proposed changes in the Guidelines but stressed that the “Good Cause” language should remain in the individual sections as opposed to having it only in the “preamble”. A Motion was made and seconded. The Motion Passed with 14 yeas and 1 nay.

Jonathon Sacks asked the Council to review certain proposed changes in the Court Rules regarding the timing on Guilty Plea cases and 6.500 Motions for Relief from Judgment. S.C. Admin. # 2009-19. After a lengthy discussion, a Motion was made to Oppose the proposed changes and to form a Committee to draft a response. The Motion was seconded and was passed with 14 yeas and 1 nay. Jonathon Sacks, Opolla Brown and Barb Levine were appointed to the Committee.

The Council had a discussion on the recent changes to MCR XXXXX. It appears that the Supreme Court added language to the Court Rule that was not in the Draft

Approved by the Council and the State Bar as it regards the return of P.S.I. Reports. A Motion was made and seconded to Oppose the Additional Language regarding the Return of the PSI Reports to the Court and to Amend the Language appropriately. The Motion Passed with 13 yeas and 2 nays. A Committee is to be formed by the Chair.

VI. Legislative Update:

Bruce Timmons gave the Council a brief overview of up-coming legislation.

VII. Spring Conference.

The committee indicated that everything was on track and that they had implemented a “new” marketing plan that seems to be working out just fine. Graham Teall indicated that the pre-registrations were going well but that he was disappointed that more Council members were not signed up. He urged all members of the council to attend. He further reported that they had secured discounts for the Hotel and for Golf.

The Committee indicated that they had some interest in the Scholarship and were reviewing the “applications”. Judge Hoort offered to pay for a second scholarship up to \$200.00. A Motion was made and Seconded to accept Judge Hoort’s offer and to allow the Committee to decide on who would receive the scholarships. It was approved without opposition

VIII. Annual Meeting:

The Committee reported that they were seeking topics. A Motion was Made and Seconded to have a budget of \$6000.00 for the Annual Meeting and to allow the Committee to decide on the final topic pending email approval from the Council due to the fact that we do not have any further meetings planned before the Annual Meeting. It was approved without opposition. The persons on the Committee are David Gilbert, Michael Marutiak, Opolla Brown and Steve Taratuta.

a. Nominating Committee:

The Committee made inquires as to who is on the Nominating Committee. The persons on the Committee are Charles Marr, Steve Gobbo, Michael Marutiak, Dan Levy and Graham Teall.

IX. New Business:

Barbara Levine reported that the Prison and Corrections Section was having a training session for all attorneys. The training is the Attorney’s Role in D.O.C. Hearings. The Training is schedule for June 5, 2010.

The Council had a discussion as to moving the monthly meeting to a new location. There was no opposition to this suggestion. It was agreed that the Executive Board was to investigate new locations and to report accordingly.

The Chair introduced Section Member B. Moon. Mr. Moon runs the Education and Training Institute. The Institute provides practical training and education to persons attending law school.

- X. Good and Welfare:  
The Council had a discussion as to whether the Council should have at least one meeting between now and the Annual Meeting. A Motion was made and Seconded to have the Council meet at least once before the Annual Meeting. The Motion Passed with 12 yeas and 3 nays.
- XI. Next Meeting = T.B.D.
- XII. Adjournment  
A Motion was made by the Chair to Adjourn at 8:35 p.m. There was unanimous support. The Meeting was closed.

Respectfully submitted,

Steve Taratuta  
Secretary