

CRIMINAL LAW SECTION COUNCIL
Minutes for November 18, 2008

MEMBERS PRESENT: Matthew P. Smith, Opolla Brown, Kenneth M. Malkin, Stephen M. Taratuta, Hon. John T. Hammond, Graham L. Teall, M. Jon Posner, Michael J. Brady, Erika S. Julien, Barbara R. Levine, David E. Gilbert, Martin P. Krohner, Stephen J. Gobbo, Ralph C. Simpson, Charles H. Marr, Michael J. Marutiak

OTHERS PRESENT: Daniel M. Levy, James Shonkwiler, Elaine Spiliopoulos

ABSENT WITH NOTICE: Bruce A. Timmons

ABSENT WITHOUT NOTICE: Patrick M. O'Connell, David S. Leyton, Steve B. Lockhart, Gerald S. Surowiec, Mary C. Pino, Elias J. Escobedo, Jr.

The meeting was called to order at 6:39 p.m.

The agenda was amended and approved by consensus.

APPROVAL OF MINUTES

Minutes from March 18, 2008 and April 15, 2008 were approved as corrected.

Minutes for the Annual Meeting were reconsidered and approved as corrected.

Minutes for October 21, 2008 were approved.

The Secretary gave a status report on the Council's preservation of minutes. All former secretaries were asked to submit minutes from prior years in order to create a permanent comprehensive record.

MACKINAW ISLAND CONFERENCE: June 12th through June 14, 2009

Jim Shonkwiler presented the 2009 schedule of events and historical costs for this event. He also advised the council of the timelines for putting together a successful event.

SKI CONFERENCE: February 15th through February 17th 2009

Steve Taratuta discussed possible topics and speakers.

A motion was made by Charles Marr supported by Graham Teall to authorize the Ski Conference Committee to finalize topics and speakers for the conference with a \$6,000.00 budget. Motion carried.

LEGISLATIVE UPDATE

The Chair advised the Council that HB 6592 and HB 6593 regarding preliminary examinations was voted out of the House Judiciary Committee.

Dan Levy discussed the content of the HB 6593 along with his concerns and expectations for the bill in its current form.

A motion was made by Ken Malkin supported by Mike Brady to oppose HB 6593 in its current form. Motion carried 16-0.

Barb Levine gave an update on HB 4548 addressing parole reform including a restoration of appeals of parole board decisions.

TREASURERS REPORT

There is no Treasurer's report due to the year-end audit by the State Bar.

WEBSITE UPDATES

Ken Malkin and Elaine Spiliopoulos are working on updating the website. A request was made for Council members to forward any council policies in their possession.

PAROLE POLICY STATEMENT

Barb Levine reported on her efforts to review our parole policy statement with proposed language to change it. It was agreed that the Policy Statement adopted by the Section should not be amended by the Council.

Motion was made by Barb Levine supported by Erika Julien that the Council adopt a policy position that "The prisoner's assertion of innocence should not, standing alone, be a basis for denying parole." Motion carried 12-4.

MANAGEMENT OF CONFERENCES

Graham Teall gave a report that he called ICLE about managing our conferences. He will call them to determine the cost. Teall also reported that Ken Malkin expressed an interest in managing the conferences on behalf of the Council. Malkin is to first check with the State Bar regarding their rules for Council members being compensated for these duties and then prepare a proposal for consideration.

It was agreed that Ken Malkin would step down as a member of this committee. Charles Marr and Ralph Simpson were appointed as replacements.

JOINT COUCIL EFFORTS

Mike Marutiak reported on discussions about the potential for joint efforts with common interests among the Children's Law, Prison & Corrections, and Criminal Law Sections. He requested that the Council appoint a liaison to work with the other sections for this purpose.

The Chair appointed Marty Krohner as the liaison.

SENTENCING COMMISSION

Marty Krohner expressed concerns that the Sentencing Commission that helped to devise the sentencing guidelines was not continued by the legislature. He proposed that the Council take a position that the legislature re-instate the Sentencing Commission. It was agreed to table discussion on this topic until next month.

The meeting adjourned at 8:52 p.m.