

**MINUTES OF THE CRIMINAL LAW SECTION
STATE BAR OF MICHIGAN
November 17, 2009**

Present at the meeting: Steve Taratuta, Opolla Brown, M. Jon Posner, Hon. John Hammond, Erika Julian, Michael Brady, Barbara Levine, Michael Marutiak, Steve Gobbo, Ralph Simpson, Ken Malkin, Matt Smith, Gerald Surowic, Graham Teall and Dan Levy as members of the Council and Lynn Doriro – Children’s Law Section, Bruce Timmons and Judge Hoort – Criminal Jurisprudence and Elaine Spiliopoulos.

I. Call to Order:

Meeting was called to order at 6:39 p.m.

- a. Absences with Notice: Jonathan Sacks, David Gilbert, David Layton, Charlie Marr and Steve Lockhart – Motion was made and seconded to excuse these absences.
- b. Absences without Notice: None received

II. Approval of Agenda:

Motion was made by Erika Julian to approve the minutes of the October 20, 2009 Meeting with corrections. The motion was seconded by Matt Smith. The motion carried.

III. Treasurer’s Report:

Given by Matt Smith for David Gilbert. A Motion to accept was made by Steve Gobbo and seconded by Michael Brady. Approved without objection.

There was a brief discussion regarding the expenses relating to the newsletter. An ad hoc committee was appointed by Chair Brown to study the use of electronic communications in getting the newsletter out. The members of the Committee are Elaine Spiliopoulos, Ralph Simpson, Judge Hammond and Gerald Surowic. It was agreed that most of this work could be done with telephone / email conferences. One suggestion was to survey the membership. Another was to allow opt in/out of hard copy publication

There was a brief discussion regarding payment of outstanding invoices from Elaine. A Motion was made by Ken Malkin and was seconded by Judge Hammond to pay Elaine what was owed to her for the last fiscal year and to pay her as she submits her invoices. The Motion passed with one objection (G. Teall).

IV. Committee’s Reports:

a. Ski Conference.

The Shanty Creek Ski Conference will be held on February 14 to 16, 2010. The speaker for Sunday is Tim Baughman who will give us his annual update on the law. Possible topics were discussed. Cell Phones records, Alternatives to Incarceration, Discovery issues, the use of Private Investigators, the Crime Lab. The general consensus was that Discovery Issues should be the main topic.

A motion for a \$7000.00 budget was made by Steve Taratuta and was seconded by M. Jon Posner. The Motion was passed with one objection (O. Brown).

There was further discussion as to “getting the word out” and that the Committee needed to finalize the topics and speakers within the next two weeks to give Elaine enough time to advertise the conference.

b. Spring Conference.

The committee asked the members to propose conference topics, dates and locations. There was a general consensus that the Conference be held on June 4 or 11, 2010. There was further consensus that the Conference be held in Frankenmuth. The Committee will finalize dates, topics and locations for the next meeting.

c. Legislative Update.

Bruce Simmons gave us an update on the Good Time Credit bills. Testimony was taken but there was no vote. He gave further updates on HB 4885, 4886 and 5592.

Lynn D’Orio brought up the Juvenile Comp. Bills. These bills have many issues that need to be dealt with before they will pass.

Barbara Levine asked that the Truth in Sentencing bills be put on the agenda for the next meeting. The Chair indicated that they would.

A lengthy discussion was had on HB 4621 Sec. 17 &18. This bill fails to take into account confrontation / Crawford issues. A motion was made by Erika Julian and was seconded by Lynn D’Orio that we oppose HB 4621. The Vote was 17 yes, 0 no and 0 abstentions.

V. M.D.T.C. Annual Meeting:

There was a request for sponsorship from the M.D.T.C. for there Annual Meeting to be held May 14 & 15, 2010. They are requesting a \$2000.00 Sponsorship Fee. A motion was made by Ralph Simpson and was seconded by Steve Gobbo to Table this issue for Graham Teall to investigate and provide further information. The Motion was passed without objection.

VI. Old Business:

There was a discussion regarding the filling of Amicus Briefs as it relates to indigent defense on P. v. Merrimann and P. v. Duncan. A Motion that we investigate the filing of an amicus brief was made by Lynn D’Orio and was seconded by Ken Malkin that we file Amicus Briefs on both cases. The Council voted to investigate the filing of a Brief on P. v. Merriman and voted not to investigate the filing of a Brief on P. v. Duncan.

Erika Julian made a Motion to form an Amicus Committee. There was no second and the Motion failed.

VII. There was no new business.

VIII. Good and Welfare.

Dan Levy reminded us the Attorney General Eric Holder would be speaking on indigent defense issues in Detroit on Thursday November 19, 2009. He agreed to send out an email to everybody with the details.

IX. Next Meeting = December 15, 2009

X. Adjournment

A Motion was made by Erika Julian to Adjourn at 9:12 p.m. There was unanimous support. The Meeting was closed.

Respectfully submitted,

Steve Taratuta
Secretary

Approved at the Council Meeting on January 19, 2010