

**STATE BAR OF MICHIGAN
CRIMINAL LAW SECTION**

November 14, 2017
Lansing Country Club
Lansing, MI

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| Attendees: | Stephanie Farkas, Judge Caprathe, Steve Gobbo, Mike Wendling, Bruce Timmons, Judge Clarke, David Gilbert, Judge Anderson, Dianna Collins, Bill Winters, Mike Brady, Ryan Zemke, Goran Antovski, Brian Watkins, Opolla Brown, Sofia Nelson, Christina Hines, Edwar Zeineh, Richmond Riggs, Bobby Ficklin |
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Excused

Absent: Mike Marutiak, Coleman Potts, Heather Garretson, Tamara Phillips, Neil O'Brien, Ericka Savage

- I. Call to Order
 - The meeting was called to order at 6:28pm by Chair Farkas.
 - All of the members of the council introduced themselves to the new members of the council.

- II. Secretary's Report/ Meeting Minutes
 - a. A report was received regarding the minutes from the 10/17/17 minutes.

MOVED: Motion was made by Mr. Zemke to approve the 10/17/17 minutes as presented. Seconded by Judge Clarke. Motion carried.

- III. Treasurer's Report
 - a. No report was received and it has been deferred to the December meeting. The council is awaiting reports from SBM.
- IV. Committees & Reports
 - A. Chair Report/Committee Appointments
 - a. The Chair is considering committee appointments. She requests that members interested in serving on committees email her no later than Friday, November 17, 2017 expressing interest. She intends to assign committees this weekend.
 - B. Shanty Creek Conference
 - a. A report was received from Ms. Brown. There are two topics being considered – body cameras and evidence. It was suggested that we consider John Collins as a presenter on forensic evidence issues.
 - C. Frankenmuth Conference
 - a. The Chair requested input regarding possible topics and committee members.

- D. Policy/Mackinac Conference
 - a. The Chair reported that the financial issues from the Mackinac conference has been settled.
 - E. Bar Journal Committee
 - a. A report was received from Judge Caprathe. Chair Farkas explained the invitation from the SBM regarding our January 2019 feature issue in the SBM Journal.
 - F. Social
 - a. Judge Clarke reported that the General Manager from the Lansing Lugnuts reached out with interest in hosting us again this year.
 - G. Legislative
 - a. Mr. Timmons provided a report to the Council.
 - i. SB 44 – Would amend a section that permits cost recovery (e.g., emergency services related to DUI). This bill would add cost recovery to theft-type offenses. H3 targets retail fraud and receiving and concealing. It also captures criminal contempt.
 - ii. Judge Clarke provided some input from the point of view of District Judges regarding cost recovery collection issues.
- V. Representatives to the Council Reports/Other Discussion:
- A. Indigent Defense Commission
 - a. Chair Farkas informed the Council that Mr. Sacks is returning to run SADO and the MIDC is seeking a new executive director.
 - B. CDAM
 - a. Mr. Watkins provided a report regarding the recent conference CDAM held at Boyne Mountain.
 - C. PAAM
 - a. A report was received from Mr. Wendling.
 - b. A discussion followed regarding MIDC standards and funding issues. The Chair directed that we take up Standard 8 at the following meeting.

VI. Legislation and Court Rules

A. [2017-08: Proposed Amendment of MCR 3.977 and MCR 6.425](#)

The proposed amendments of MCR 3.977(J) and MCR 6.425(G) were submitted by the Court of Appeals. The proposed amendments would require the production of the complete transcript in criminal appeals and appeals from termination of parental rights proceedings when counsel is appointed by the court. The proposed amendments would codify existing practice in many courts, and the Court of Appeals believes they would promote proper consideration of appeal issues and eliminate unnecessary delays to the appellate process. Comments due to Board of Commissioners by January 12, 2018.

MOVED: Motion was made by Mr. Watkins to support the proposed amendment to MCR 7.212, 3.911, and MCR 6.425. Seconded by Ms. Brown. Motion carried 21-0.

VII. Old Business

- Chair Farkas brought up an issue related to our ability to change which entities have the ability to appoint a representative to the council. A discussion followed. Mr. Timmons pointed out that the council has the ability, under the bylaws, to recognize new groups by a 2/3 vote.

MOVED: Motion was made by Mr. Zemke to recognize the Criminal Justice Initiative Committee as successor for the Criminal Issues Initiative. Seconded by Goren Antovski. Motion carried 21-0.

- A. Mileage Reimbursement for Council Members. A discussion was raised last meeting regarding mileage reimbursement. Mr. Zemke reported that he had estimated the cost of mileage for Council members.
- B. Judge Clarke moved to remove the matter from the table for purposes of discussion. Motion seconded by Mr. Zemke. Motion carried 15-6.
- C. The motion to consider mileage was withdrawn by the sponsor.

VIII. New Business

- D. A discussion followed regarding location for the January 2018 meeting.

MOVED: Motion was made by Mr. Zemke to hold the January meeting in Ann Arbor. Seconded by Ms. Hines. Motion carried 16-3-1

IX. Adjourn

MOVED: Motion was made by Mr. Blanchard to adjourn. Seconded by Mr. Antovski. Motion carried.

Notwithstanding my absence at the November 14, 2017 Council meeting, I can certify that the foregoing minutes noted by Josh Blanchard were adopted by the Council at a regular meeting on December 19, 2017 by a unanimously passed voice vote with one abstention. Motion by Goran Antovski; seconded by Opolla Brown.

Michael J. Marutiak

January 02, 2018

Michael J. Marutiak, Secretary

Date