

**MINUTES OF THE CRIMINAL LAW SECTION
STATE BAR OF MICHIGAN
October 20, 2009**

- I. Call to Order:
Meeting was called to order at 6:45 p.m. The agenda was distributed and a motion was made by Judge Hammond, seconded by Erika Julien to approve the agenda. The vote carried.
- II. Approval of Agenda:
Motion was made by Ken Malkin to approve the minutes of the Annual Meeting. The motion was seconded by Matt Smith. The motion carried.
- III. Counsel Elections:
There was discussion held about the confusion in the last election. A motion was made to accept Ralph Simpsons resignation from his newly elected term by Judge Hammond, seconded by Ken Malkin and the vote carried.
Motion was then made Matt Smith to appoint M. Jon Posner to fill that position. The motion was seconded by Judge Hammond and carried.
- IV. Legislative Proposals:
Anne Yantus of the State Appellate Defenders Office addressed us about the pending proposed amendment to the Court Rule regarding pre-sentence investigations. She was seeking counsel support for the amendment as proposed, and also seeking comment on expanding the 2 day, to a 7 day. Motion was made by Ken Malkin that we support the Court Rule as proposed, seconded by Charlie Marr. Those in favor 10, those opposed 1, abstentions 2. The balance of the legislative proposals were suspended till later in the meeting.
- V. Treasurer's Report:
Because current information was not yet available from the Bar, the treasurer's report was tabled until next meeting.
- VI. Committee's Reports:
 - a. Ski Conference.
A committee was appointed for the Ski Conference consisting of Erika Julien, Ken Malkin, M. Jon Posner, and Steve Taratuta.
 - b. Spring Conference.
A committee was appointed for the Spring Conference consisting of Graham Teall, Matt Smith, Mike Marutiak, and David Gilbert. Both committees were asked to propose conference topics and potential speakers at the next meeting.
 - c. Mackinaw Conference.
A financial report was provided by Jim Shonkwiler. The committee reported that the policy would be printed in the next newsletter and distributed to all members. There was also considerable discussion about whether, given the

current financial situation in this state, continuing the Policy Conference at Mackinaw was appropriate venue. Erika Julien agreed to propose a survey and submit it for approval at the next meeting regarding the types of conferences that membership wishes us to hold, and suggestions regarding locations.

- d. A committee was appointed to explore future conference policies consisting of Ken Malkin, Erika Julien, and Elaine Spiliopoulos.
- e. A motion was made to reimburse Jim Shonkwiler \$170.00 out of the Mackinaw budget for ferry passes for the speakers at the conference. Motion was made by Grant Teall, seconded by Judge Hammond, and approved.
- f. We then returned to legislative updates. Bruce Timmons discussed several bills that were pending in the legislature. A motion was made by Ken Malkin, seconded by Erika Julien, to support House Bill's 5273 and 5274, calling for a pilot program and ignition interlocks on second or multiple offenders. 9 members voted in favor, 3 opposed, and 1 abstention. Mike Marutiak pointed out his belief that the State Bar Rules require majority of eligible voting counsel members in order to pass a policy statement. There was discussion regarding quorums, and an apparent conflict with our By-laws. Mike agreed to check further and report back at the next meeting. There was a motion to support House Bill's 5318, 5382, and 5383 by David Leyton, seconded by Ken Malkin. 9 voted in favor, no opposed, and 3 abstentions. Other bills including the Juvenile Package were discussed at greater length.
- g. There was no old business.
- h. Matt Smith indicated that he had approximately 23 additional Kolenda Dispositive Motion Summaries available from the Mackinaw Conference. He was going to send them to the State Bar unless a sufficient number of counsel members wish to take the remaining copies. Any copies left would be sent to the Bar.
- i. Motion to adjourn at 9:10 p.m. by Marr, seconded by Hammond, and passed.

Respectfully submitted,

Charles H. Marr for Steve Taratuta

Approved by the Board at the November 17, 2009 Meeting.

