

***Criminal Law Section Council
State Bar of Michigan
Lansing Country Club, Lansing
October 17, 2017***

Council Members Present: Judge Caprathe, Judge Anderson, Judge Clarke, Brian Watkins, Coleman Potts, David Gilbert, Steve Gobbo, Ryan Zemke, Goran Antonski, Elaine Spiliopoulos (non-Council member, Editor of Newsletter), Heather Garretson, Bill Winters, Mike Brady, Bruce Timmons, Neil O'Brien, Michael Marutiak, Erika Savage, Dianna Collins, Richmond Riggs.

Council Members Not Present with Excused Absence: Opolla Brown, Tamara Phillips, Stephanie Farkas (Chairperson), Josh Blanchard (Chairperson Elect), Christina Hines, Edwar Zeineh.

Council Members Not Present without Excused Absence: Christine Piatkowski.

Guest Present: Sherrie Guess (past Council member)

The Council meeting was called to order at 1837 hrs. by Mike Marutiak, Secretary, in the absence of the Chairperson and Chairperson Elect. Judge Clarke, Treasurer, agreed to take notes of the meeting. An attendance sheet was circulated and a quorum was established by virtue of the presence of sixteen (16) voting Council members (two (2) additional members joined the group later).

I. Introductions:

All Council member introduced themselves and explained their affiliations for the benefit of the new members. The newly elected members present introduced themselves. It was announced that six (6) Council positions were filled at the recent Annual Meeting, with two (2) incumbents returning to the Council and with four (4) new members being elected.

II. Secretary's Report:

The Secretary's report on the Annual Meeting was tabled until the minutes could be circulated to the Council members.

III. Treasurer's Report/Budget Plan/Expenditure Approvals:

Judge Clarke circulated the most recent budget reports from the State Bar (3 pages total) and gave the Council the status of the discrepancy with Mission Point over the invoice for last June's conference. The outstanding balance for Mission Point was settled at \$18,484.96 and the account is now closed. Bruce Timmons moved to receive the Treasurer's Report; Steve Gobbo seconded the motion. Motion passed unanimously. Judge Clarke moved for the Council to appropriate "up to \$2,000." for payments associated with tonight's meeting; motion seconded by Judge Caprathe. Motion passed unanimously by a hand-counted vote of 17-0-0 (with 17 voting members present at the time).

IV. **Committees and Reports:**

A full list of the Council's committees was on the Agenda. Mike Marutiak conveyed the desire of Chairperson Farkas for all Council members to email her in the near future with their requests for Committee assignments, their willingness, if any, to chair a committee, their commitment to participate in conference calls and/or meetings, and with any suggestions for programs or projects in the upcoming year. Council members may request assignment on up to 3 committees.

All committee positions are available with the exception of the Bar Journal Committee and the Chairpersonship of the Shanty Creek Conference Committee. For purposes of continuity on the Bar Journal Committee the members will remain the same and due to the impending date of the Shanty Creek Conference, the Chairpersonship needs to be in place now.

Sherrie Guess gave the Council a report on the success of the Annual Program ("Guardian v Warrior" – Police Use of Force). Sherrie made extra copies of the printed program available. Virtually all of the comments from participants were positive. Sherrie made two suggestions for the next Annual Meeting Committee: consider videotaping the program so it can be put on our Section's website and consider changing the day/time of the program so as to not conflict with the Marijuana Law Section's program. Sherrie noted that our program lost attendance due to the conflict.

V. **Representatives to the Council: Reports and Other Discussion:**

- A. Indigent Defense Commission: No report for this month.
- B. CDAM: 2017 Fall Conference later this month; Boyne Mountain; Digital Forensics and Eyewitness ID
- C. Criminal Jurisprudence and Practice: First meeting of this new year will be next week.
- D. Criminal Jury Instructions: No report this month.
- E. Criminal Justice Initiatives: No report this month except that the CLC need to formally recognize the new name of this group.
- F. Prisons and Corrections: The Prisons & Corrections Council voted to oppose HB 4585 making it a consecutive two (2) year felony to target a victim because s/he is a police officer, firefighter or emergency personnel responder.
- G. PAAM: No report.
- H. Children's Law Section: No report.
- I. Michigan Judges' Association: Judge Anderson reported on recent MSC decisions, including a decision on correction of or amending of Judgement of Sentences.
- J. District Court Judges: Judge Clarke gave a report on the status of changes for driver responsibility fees, changes effective 10/01/18.

VI. Legislation and Court Rules:

- A. 2002-37 – Proposed Rules Related to E-Filing and Electronic Records: Discussion of this issue was tabled by the Council.
- B. HB 4797 (Jury Pools): Bruce Timmons gave the Council a verbal update on HB 4797. Further discussion was postponed until the November Council meeting.

VII. Old Business:

Coleman Potts moved for the Council to approve a \$1,000 grant to the Young Lawyers Section to aid its Expungement Fair in Detroit this year. Motion seconded by Heather Garretson. Mr. Potts noted that the funds (\$1,000.) approved for the Young Lawyers event last year were not actually needed or received and therefore there was no expense incurred by the CLS last year. Some discussion ensued. The Council voted by hand vote to approved the expenditure of \$1,000. Unanimous approval by a vote of 18-0-0.

VIII. New Business:

- A. Meeting dates for 2017-2018 year:

The Council agreed by consensus to ask Chairperson Farkas to schedule the November meeting for November 14th (as opposed to 11/21) in light of Thanksgiving Week. Judge Clarke will make the necessary arrangements with the Lansing Country Club. The Council also recognized the following dates for meetings in the upcoming year: December 19th, January 16th, February 20th (Shanty Creek), March 20th, April 17th and May 15th. Arrangements will be made for any meetings needing to be held at the University Club due to the winter closing of the Lansing County Club.

Judge Caprathe moved for the Council to approve travel mileage reimbursement for Council members who travel over fifty (50) miles, one way, for Council meetings. Motion seconded by Coleman Potts. A discussion ensued about the threshold of fifty (50) miles versus one hundred (100) miles, the potential costs to the Section on an annual basis, the advantages such a policy might have in recruitment of future Council members, and the history of past Council discussions on the issue. Mike Brady moved to table the motion; seconded by William Winters. A voice vote was taken and although a split vote was evident the Chairperson announced that those voting to table the motion were in the clear majority. Motion to allow travel reimbursement tabled until such time as the Council chooses to take the motion off the table.

IX. Adjournment:

Judge Clarke moved for the Council meeting to stand adjourned; seconded by Steve Gobbo. No discussion followed. The Council voted 17-1-0 to adjourn with Mike Brady voting in the negative. Meeting adjourned at 2005 hrs.

Respectfully submitted,

Michael J. Marutiak, Secretary, October 23, 2017
(With assistance from Judge Clarke who recorded the vital notes.)

Minutes approved by the Council on November 14, 2017, as written, by a voice vote. Motion by Ryan Zemke; seconded by Judge Clarke.