

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

**Bar Year: 2010-2011**

**Section Name:** Criminal Law

**Mission Statement:** The Criminal Law Section of the State Bar of Michigan provides education, information and analysis about issues of concern through meetings, seminars, the State Bar website, public service programs, a listserv, and publication of a newsletter. The purposes of the Criminal Law Section are to study criminal law and procedure in Michigan to make recommendations to the State Bar, the Legislature, the Judiciary and the general public concerning improvements to the Criminal Justice System to promote justice and the efficient administration of justice, and to protect the public and individual rights.

**Officers and Council Members:**

Officer	Name	Address	Telephone	Email
Chair	Kenneth M. Malkin	1230 Washington, Bay City, MI 48708	(989) 895-4177	malkink@baycounty.net
Chair-Elect	Stephen M. Taratuta	1441 Saint Antoine St, Detroit, MI 48226	(313) 224-5770	staratut@co.wayne.mi.us
Secretary	David E. Gilbert	205 E. Mill St, Hastings, MI 49058	(269) 948-2354	degilbert@ymail.com
Treasurer	Judge David A. Hoort	8 <sup>th</sup> Circuit Court, 100 E. Main St, Ionia, MI 48846	(626) 527-5336	dhoort@ioniacounty.org

Member	Term	Member	Term
Michael J. Brady	2011	Kiana Evelina Lee Franulic	2013
David E. Gilbert	2011	Barbara R. Levine	2013
Sherrie P. Guess	2011	Ward F. McDonough, Jr	2013
Steve B. Lockhart	2011	Matthew P. Smith	2013
Graham L. Teall	2011	Stephen M. Taratuta	2013
Stephen J. Gobbo	2012	Lynn B. D'Oria, Rep/Children's Law Section	
Daniel M. Levy	2012	Kenneth M. Malkin, Rep/Criminal Defense Attys of MI	
Charles H. Marr	2012	Hon. David A. Hoort, Rep/Crim Juris & Practice Comm	
M. Jon Posner	2012	Michael J. Marutiak, Prison & Corrections Section	
Jonathan Sacks	2012	David Leyton, Prosecutor Attorney Association of Michigan	

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

Elaine Spiliopoulos, Editor & Seminar Coordinator		Opolla Brown, Ex-Officio Member	
Bruce A. Timmons, Legislative Liaison		Thomas C. Rombach, Commissioner Liaison	

***Council Meeting Schedule:***

Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Monthly Meeting	October 19, 2011	Lexington Hotel, Lansing
Monthly Meeting	November 16, 2010	Lexington Hotel, Lansing
Monthly Meeting	December 21, 2010	University Club of MSU, Lansing
Monthly Meeting	January 18, 2011	University Club of MSU, Lansing
Monthly Meeting	March 15, 2011	University Club of MSU, Lansing
Monthly Meeting	April 19, 2011	University Club of MSU, Lansing
Monthly Meeting	May 17, 2011	University Club of MSU, Lansing

**General Budget Information:** Our Council started the year with a sizable fund balance that our annual report showed would be depleted without taking remedial measures. We immediately began working on preparing a two year budget. During the course of the year we voted to recommend an increase in our dues to alleviate a long term funding shortage. However, it became apparent that this measure alone would not be sufficient. Therefore, the Council voted to move toward an electronic newsletter to reduce expenses beginning in our next fiscal year. More sections are moving in this direction due to the substantial cost of printing and mailing. The Council believes that by taking this measure we can keep our section dues as one of the lowest while still offering additional services and seminars to our members. We concluded the year by adopting, for the first time, a two-year budget.

**Events and/or Seminars:**

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
Annual Meeting & Program on Medical Marijuana	October 1, 2010	Amway Grand, Grand Rapids
Super Drunk Driving & Cross Exam of Police Witnesses	February 19 <sup>th</sup> to 21 <sup>st</sup> , 2011	Shanty Creek Resort, Bellaire
Making Michigan's Medical	June 17 <sup>th</sup> to 19 <sup>th</sup> , 2011	Grand Hotel, Mackinaw Is.

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

Marijuana Act Work		
Annual Meeting & Program on Criminal Sexual Conduct	September 16 <sup>th</sup> , 2011	Hyatt Regency, Dearborn

**Legislative issues:** This has been a very active year reviewing proposed legislation that has come before the Council. Following is a highlight of the some of the legislation we supported. For a complete list, please refer to our website.

We have supported video recording of custodial interrogations though some members did not feel the legislation went far enough. We support revising the expungement statute so that more individuals would be eligible. We also supported in principle changes in SORA legislation (Sex Offender Registration Act) as a move in the right direction. We also supported a change in legislation and court rules that permit both the prosecutor and defense counsel to retain a copy of the presentence report in their file following sentencing. Finally, we recommended in principle an effort to establish legislative guidelines for competency to stand trial for juveniles stressing the importance of having the examination conducted by a qualified forensic examiner.

**Recommendations for next Council:** The Council decided to add a seminar that would have a lower cost and emphasize basic legal training especially for new lawyers. It is our hope that such a seminar can be in place during our next fiscal year. The Chair had also asked that the Council consider the advantages of having a lobbyist to act on legislation that, through the Council, has a consensus among section members. However, the possible cost of a lobbyist and our current budget issues have left this issue for future Councils to address.

**Other Information:** This has been a productive year. Our annual program had very good attendance again this year with a lively program. The Shanty Creek program continued to see an increase in numbers. The bi-annual policy conference is expected to be another great program entitled Making Michigan’s Medical Marijuana Act Work.

We also were able to move forward on a number of long-standing issues that have been on our agenda for a number of years. We completed our revision of the bylaws which will be recommended to our section members at the annual meeting. We made the move to an electronic newsletter. For the first time, we adopted of two-year budget solidifying our financial situation.

We took on some new challenges by exploring the addition of a more cost-effective seminar for young lawyers focusing on the more practical aspects of the law. We discussed methods for increasing our membership and making our section a more effective organization.

Finally, and sadly, this year also saw the loss of one of our Council’s own members with the passing of Jerry Surowiec. He will be missed by all!

**Reports must be submitted before May 31, 2011 to:**

Jennifer Williams

**STATE BAR OF MICHIGAN  
SECTION ANNUAL REPORT**

Administrative Assistant  
306 Townsend Street, Lansing MI 48933  
Email: [jwilliams@mail.michbar.org](mailto:jwilliams@mail.michbar.org)  
Phone 517-367-6421 Fax: 517-372-1139