

**CRIMINAL LAW SECTION COUNCIL**  
**Minutes for April 21, 2009**

**MEMBERS PRESENT:** Matthew P. Smith, Opolla Brown, Kenneth M. Malkin, Stephen M. Taratuta, Hon. John T. Hammond, Erika S. Julien, Martin P. Krohner, David S. Leyton, Graham L. Teall, Barbara R. Levine, Stephen J. Gobbo, Ralph C. Simpson, Charles H. Marr, Michael J. Marutiak

**OTHERS PRESENT:** James Shonkwiler

**ABSENT WITH NOTICE:** Michael J. Brady, David E. Gilbert, Daniel Levy, Stephen Lockhart, M. Jon Posner, Elaine Spiliopoulos, Gerald S. Surowiec, Bruce A. Timmons

**ABSENT WITHOUT NOTICE:** Patrick M. O'Connell, Mary C. Pino

The meeting was called to order at 6:34 p.m.

The agenda was amended and approved by consensus.

**APPROVAL OF MINUTES**

Minutes for March 17, 2009 were approved as amended with 3 abstentions.

**TREASURER'S REPORT**

The Section has a balance of \$97,320.31. A motion was made to accept the Treasurer's report. Motion carried.

**CHAIR'S REPORT**

Shanty Creek sent the Chair for signature a contract that contained the incorrect dates. A new contract with the correct dates has been requested and will be signed upon receipt.

**COMMITTEE REPORTS**

**LAW SCHOOL FOR LEGISLATORS:**

Marty Krohner reported that only 3 attended which was apparently the average for all sessions. He also indicated that the decision about the materials presented was decided by the committee.

There was a discussion in light of the low attendance on how the materials should be presented in the future.

**MACKINAW CONFERENCE**

The attached itinerary was presented and reviewed by Jim Shonkwiler. There was a consensus that we should host a Welcoming Hospitality and Registration following dinner on Friday night.

A motion was made to approve the itinerary. Motion carried.

A motion was made to authorize a budget of \$25,000.00 with the committee to have the discretion to invite honored guests from the legislature, Supreme Court, or similar guests at the Section's expense within the budget,

#### LEGISLATIVE UPDATE

House Bill 4621 regarding Vulnerable Adults was tabled until the next regular meeting.

House Bill 4705 regarding a surcharge on bail bonds to pay for indigent defense was tabled.

#### ANNUAL MEETING

Erika Julien and Stephen Gobbo reported on the status of the program recommending that it focus on specialty courts such as mental health, drug, treatment and sobriety courts, and their impact on sentencing.

Motion was made to approve the recommended topic with a budget of \$6,000.00. Motion carried with one abstention.

#### **OLD BUSINESS**

##### CONFERENCE COORDINATOR

The issue was tabled until the next regular meeting to get a report and recommendation from the committee.

##### JUDICIAL CANON 2

Motion by Judge John Hammond supported by Barbara Levine that the proposed amendment to Judicial Canon 2 regarding nepotism not be adopted for the reason that it is overly broad. 13 voted "yes", zero voted "no" with Stephen Gobbo abstaining.

#### **NEW BUSINESS**

##### SECTION DUES

A motion was made that dues for the section not be increased at this time. Motion carried.

##### SECOND ANNUAL PUBLIC DEFENSE TASK FORCE CONFERENCE

The program was handed out and Council members were encouraged to attend.

#### **GOOD AND WELFARE**

The Chair had a request from the Criminal Defense Attorneys of Michigan to have a copy of the email addresses of the section. A discussion followed at which time a motion was made to charge outside groups for an email blast. The motion was withdrawn and the issue was tabled until the next regular meeting.

The meeting adjourned at 8:34 p.m.