

**MEETING MINUTES OF THE CRIMINAL LAW SECTION COUNCIL  
STATE BAR OF MICHIGAN  
March 16, 2010**

Present at the meeting: Opolla Brown, M. Jon Posner, Barbara Levine, Stephen Gobbo, Michael Marutiak, Mike Brady, Ralph Simpson, Ken Malkin, Matt Smith, Graham Teall, David Gilbert, Jonathan Sacks, Hon. David Hoort, Dan Levy, Lynn D’Orio, Jerry Surowiec – Council members and Elaine Spiliopoulos - Administrator.

- I. Call to Order:  
Meeting was called to order at 6:37p.m by Chair Brown.  
Absent with Notice: – Steve Taratuta, Steve Lockhart, Charles Marr, Hon. John Hammond, and David Leyton.  
A motion was made and seconded to excuse these absences.
  
- II. Approval of Agenda:  
Consent motion made to approve the agenda; seconded.
  
- III. Approval of the Minutes:  
Two motions were made to correct minutes from the 1/19/2010 meeting. The first was to remove absences without notice in Section I, as the person listed is not a Council member. The second was to amend the last two sentences in Section V., *Amicus* Brief, to read as follows:  
  
“It was approved on a 12-4-1 vote of the Council. Dan Levy abstained from voting.”  
  
The two motions were approved without objection.
  
- IV. Treasurer’s Report:  
Provided by David Gilbert. A \$45.55 charge from the Environmental Law Section appeared in error and a correction was submitted to the State Bar. Ken Malkin moved to accept the Treasurer’s Report; motion seconded and approved.
  
- V. *Amicus* Brief:  
  
An update was provided on the *Amicus* brief drafted by University of Michigan Professor Kim Thomas. Aspects of the brief were reviewed and comments provided about tightening up language explaining the composition of the Section and typographical issues. Brief is due March 29<sup>th</sup> based on the Order of the Court. After discussion of various options about language, a motion was made by Matt Smith to adopt the brief as written with modifications suggested by various Council members. The motion included that the *Amicus* committee communicate the Council’s comments to Professor Thomas for appropriate revisions, and for the *Amicus* committee to conduct a review of the revised document and approve it before submission to the Court. The motion was approved on a 15-0-1 vote, with Judge Hoort abstaining. (It is noted that comments in support of the *Amicus* were communicated by members Lockhart and Marr before the meeting.)

With regard to the efforts of Professor Thomas and Adam Reddick in drafting the brief, the Council discussed ways to acknowledge their efforts. One motion was made by Ken Malkin, and after discussion it was substituted with a motion by Ralph Simpson to provide for a complimentary invite, with one guest, to a future Section event. The motion passed by a majority voice vote and one abstention. Jonathan Sacks abstained from voting.

- VI. CSC 1<sup>st</sup> degree Jury Instructions:  
Tabled by consent.
- VII. Spring Conference:  
Graham Teall reported the conference will be held at the Bavarian Inn in Frankenmuth on June 11-12<sup>th</sup>. Information is included in the newsletter, however, on Friday at 10:00 a.m. a seminar on Collateral Consequences will occur presented by Miriam Ackerman. Lunch on Friday is at the cost of \$15.
- VIII. New Business:  
Elaine Spiliopoulos mentioned that Shanty Creek has availability for next year's Ski-Conference on Saturday, Sunday, and Monday rather than the usual Sunday, Monday, Tuesday availability. There were no objections to moving forward with investigating locking in President's weekend.
- IX. Good and Welfare:  
Nothing specific reported. Council was glad to welcome back member Jerry Surowiec.
- X. Next Meeting is on April 20, 2010, Tuesday.
- XI. Adjournment:  
A Motion was made to adjourn and the motion had unanimous support.

Respectfully submitted,

Stephen J. Gobbo  
Acting Secretary