

# State Bar of Michigan | 2017-2018 COMMITTEE ANNUAL REPORT

## Article VI § 6, Bylaws of the State Bar of Michigan

*No later than May 1 of each year, the chair of each committee and sub entity of the Bar, with the assistance of the staff liaison, shall report to the Executive Director on a form provided by the State Bar on the activities and accomplishments of the committee or sub entity.*

## Criminal Jurisprudence & Practice

Jurisdiction: · Review proposed court rules and statutes related to criminal procedure and practice in state courts and make recommendations concerning improvements in the operation of criminal law and procedure to promote the fair and efficient administration of criminal justice.  
· Make recommendations concerning the establishment and operation of systems for the representation of indigent persons charged with criminal offenses.

### Chair

P61932 Nimish R. Ganatra  
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### Member

#### Term Ending: 2018

P61932 Nimish R. Ganatra, Ann Arbor  
P67389 Jonathan Sacks, Detroit

#### Term Ending: 2019

P74091 Christopher Noel Anderson, Charlotte  
P54713 Mark A. Holsomback, Kalamazoo  
P49666 Gretchen A. Schlaff, Mount Clemens  
P45599 Michael A. Tesner, Flint  
P21465 Bruce A. Timmons, Okemos

#### Term Ending: 2020

P40151 Hon. Louise Alderson, Lansing  
P51446 Wilson D. Brott, Acme  
P54863 Thomas E. Evans, Belleville  
P78459 Ann Margaret Garant, Holt  
P80886 Loren Elizabeth Khogali, Detroit  
P77960 Sofia Valencia Nelson, Detroit  
P77034 Takura Nicholas Nyamfukudza, East Lansing  
P55854 Patricia A. Patrick, Farmington  
P33863 Richmond M. Riggs, Detroit  
P27887 Samuel R. Smith, III, Lansing

### Advisor

P65936 Ryan Lee Berman, Bloomfield Hills

### State Bar Liaison

Peter Cunningham, Lansing

### State Bar Liaison Assistant

Carrie Sharlow, Lansing

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**Committee Meeting Schedule:**

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

*\*Please keep meeting descriptions brief.*

Meeting Type Description	Date	Location
Meeting Type Regularly Scheduled Meeting, 1 p.m. to 3 p.m. Description Reviewed and made recommendations on legislation, proposed court rule amendments, and criminal jury instructions.	6/16/17	State Bar of Michigan
Meeting Type Regularly Scheduled Meeting, 1 p.m. to 3 p.m. Description Reviewed and made recommendations on legislation, proposed court rule amendments, and criminal jury instructions.	10/20/17	State Bar of Michigan
Meeting Type Regularly Scheduled Meeting, 1 p.m. to 3 p.m. Description Reviewed and made recommendations on legislation and proposed court rule amendments.	12/8/17	State Bar of Michigan
Meeting Type Regularly Scheduled Meeting, 1 p.m. to 3 p.m. Description Reviewed and made recommendations on legislation and proposed court rule amendments.	1/12/18	State Bar of Michigan
Meeting Type Regularly Scheduled Meeting, 1 p.m. to 3 p.m. Description Reviewed and made recommendations on legislation and proposed court rule amendments.	2/9/18	Teleconference
Meeting Type Regularly Scheduled Meeting, 1 p.m. to 3 p.m. Description Reviewed and made recommendations on legislation and proposed court rule amendments.	3/9/18	Teleconference

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**Resources provided by the State Bar of Michigan in support of committee work:**

The committee receives the following support from the State Bar of Michigan (SBM):

- Financial support is provided in the SBM budget under Governmental Relations.
- SBM staff provides support preparing for meetings, including polling for meeting dates and times, scheduling meetings, providing teleconference numbers, preparing and circulating materials for meetings, and drafting agendas.
- SBM staff provides support during meetings, including taking notes, preparing minutes, ensuring quorum, tracking votes, and providing refreshments for in-person meetings.
- SBM staff refers relevant legislation and proposed court rule amendments to the committee for its review and consideration. The agenda book for meetings includes staff research on the items, along with background materials and information to assist in the committee's discuss.
- SBM staff also assists with taking e-votes when necessary, including emailing motions to committee members and tracking votes.
- SBM staff assists in drafting the Committee's public policy position statements for consideration by the SBM Board of Commissioners.

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**Committee Activities and Strategic Goal Accomplishments:**

Please list each accomplishment/activity, and indicate which strategic plan area it supports by checking the corresponding boxes.

<p><b>COURT RULES</b> The committee reviewed and made recommendations to the Board a wide range of court rule proposals, many of which the Board adopted, including: -- ADM 2002-37: electronic filing procedures; -- ADM 2016-25: appellate appendices; -- ADM 2017-08: requiring complete transcripts to be provided in criminal and TPR appeals; -- ADM 2014-36: reflecting changes to the MAACS process; -- ADM 2016-07: clarifying criminal process to protect defendants represented by assigned counsel; -- ADM 2016-42: creating prison-mailbox rule to post-sentencing motions;</p>	<p><input type="checkbox"/>G1 <input type="checkbox"/>G2 <input checked="" type="checkbox"/>G3 <input type="checkbox"/>G4  <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1  <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2  <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3  <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4  <input type="checkbox"/>S5 <input checked="" type="checkbox"/>S5  <input type="checkbox"/>S6 <input type="checkbox"/>S6</p> <p style="text-align: center;"><b>Reset Section</b></p>
<p>-- ADM 2016-08: eliminate a conflict between MCR 6.610(E)(4) and MCR 6.610(E)(7); -- ADM 2016-31: procedures to withdraw as counsel; -- ADM 2017-06: clarify e-filing practices and procedures in the Supreme Court; -- ADM 2015-11: reasonable notice of evidence prior to trial; -- ADM 2017-10: allow for comments on a proposed order of mistrial; and -- ADM 2015-04: correcting erroneous judgments of sentencing</p>	<p><input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4  <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1  <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2  <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3  <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4  <input type="checkbox"/>S5 <input checked="" type="checkbox"/>S5  <input type="checkbox"/>S6 <input type="checkbox"/>S6</p> <p style="text-align: center;"><b>Reset Section</b></p>
<p><b>LEGISLATION</b> The committee reviewed a number of legislative policy items, including: -- HB 4433: expedited juvenile expungement procedures; -- HB 4797: jury pool selection; -- HB 5244 &amp; HB 5246: mental health competency exams; -- SB 381: service of notices to surety bonds; -- SB 871: statute of limitations for certain criminal sexual conduct violations. The Committee takes the review of Keller permissibility of legislation seriously and has twice determined that legislation is not Keller-permissible.</p>	<p><input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4  <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1  <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2  <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3  <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4  <input type="checkbox"/>S5 <input checked="" type="checkbox"/>S5  <input type="checkbox"/>S6 <input type="checkbox"/>S6</p> <p style="text-align: center;"><b>Reset Section</b></p>
<p><b>OTHER POLICY ITEMS</b> The committee has discussed thirteen model criminal jury instruction packages relating to organized retail crime, child abuse, human trafficking, controlled substances crimes, unlawful police conduct, and chemical irritant offenses. The committee reviewed and recommended a position on one standard issued by the Michigan Indigent Defense Commission. Finally, the committee reviewed the Civil Discovery Rules proposed by the Civil Discovery Rule Review Special Committee.</p>	<p><input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4  <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1  <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2  <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3  <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4  <input type="checkbox"/>S5 <input checked="" type="checkbox"/>S5  <input type="checkbox"/>S6 <input type="checkbox"/>S6</p> <p style="text-align: center;"><b>Reset Section</b></p>
	<p><input type="checkbox"/>G1 <input type="checkbox"/>G2 <input type="checkbox"/>G3 <input type="checkbox"/>G4  <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1 <input type="checkbox"/>S1  <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2 <input type="checkbox"/>S2  <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3 <input type="checkbox"/>S3  <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4 <input type="checkbox"/>S4  <input type="checkbox"/>S5 <input type="checkbox"/>S5  <input checked="" type="checkbox"/>S6 <input type="checkbox"/>S6</p> <p style="text-align: center;"><b>Reset Section</b></p>

**REPORT Future Goals and Activities:**

The Committee will continue to review proposed court rule amendments and legislation that fall under its jurisdiction. The Committee expects to meet in April, May, and June.

**Other Information:**

In addition to any other important information, please indicate the titles of any workgroups or subcommittees, and attach their annual report as an addendum.

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Approved by	Approved	Name
Chair		Nimish Ganatra
Co-chair		
Staff Liaison		Peter Cunningham
Other		

[Email Form](#)