

**MJA EXECUTIVE BOARD MEETING MINUTES  
TUESDAY, JUNE 20, 2023**

President Michelle Rick called the meeting order at 1:10 p.m.

**EXECUTIVE COMMITTEE PRESENT:** Judge Michelle Rick (President), Judge Kathleen Feeney (President-elect), Judge Charles LaSata (Vice-President), Judge Janice Cunningham (Secretary); Judge Gerald Prill (Treasurer); Judge Chris Yates (Past President)

**EXECUTIVE BOARD AND COMMITTEE MEMBERS:** Judge Margaret Bakker; Judge Kathleen Brickley; Judge Kaameshia Gant; Judge Michael Hatty; Judge Tina Yost-Johnson; Judge Jeff Matis; Judge James Maceroni; Judge Deborah McNabb; Judge Christopher Ninomiya; Judge Robert Ransom; Judge Joe Rossi; Judge Kwame Rowe; Judge Paul Stutesman; Judge Carla Testani; Judge Jon Van Allsburg; Judge Michael Warren; Judge Michael West; Judge Tracey Yokich

**EXECUTIVE COMMITTEE MEMBERS ABSENT:** Judge Patrick Conlin; Judge Dan Damman; Judge Patricia Fresard; Judge Mike Gadola; Judge Qiana Lillard; Judge Shannon Schlegel; Judge Annette Smedley; Judge Joseph Toia

**EXCUSED MEMBERS ABSENT:** Judge Annette Berry and Judge Wanda Stokes

**MEMBERS PRESENT:** Judge Martha Anderson; Judge Jason Elmore; Judge Edward Ewell, Jr.; Judge Jack Gillis; Judge Brian Kirkham

**ALSO PRESENT:** Alicia Moon, Supreme Court Counsel; Monica Martinez, MJA Executive Director and Tom Boyd, State Court Administrator

1. **APPROVAL OF MINUTES: Judge Cunningham:** Motion to approve the May, 2023 minutes by Judge Cunningham, seconded by Judge Prill. No discussion. Voted to approve with no abstentions or nay. Motion carries.
2. **TREASURER'S REPORT:** Judge Prill: Treasurer's report has been submitted. Motion to accept Treasurer's report by Judge Maddison seconded by Judge Gill. No discussion.

Treasurer's Report accepted.

3. **PRESIDENT'S REPORT: Judge Rick:**

Judge Rick thanked her JA, Barb Steward, her interns, David and Sophia and the security team at the HOJ for their assistance in coordinating the committee and executive meetings as well as the luncheon. Great job by everyone.

**Action Item**

Although the executive committee voted electronically to approve MJA support for HB 4173 and HB 4384, Judge Rick felt it would be prudent to confirm the vote today. The two -part bill package would create the Criminal Justice Policy Commission (f/k/a Sentencing Commission) to update the sentencing guidelines.

Judge Stutesman moved that MJA support HB 4173 and HB 4384, seconded by Judge Yokich. No discussion. Motion approved with no nays and one abstention by Judge Warren.

### **Action Item**

Motion by Judge Yokich to authorize payment of a \$1,200.00 security deposit for the Tiger Game, seconded by Judge Warren. No discussion. Voted to approve without nays or abstentions. Motion carries.

Judge Rick thanked Judge Feeney and everyone on her committee for their hard work on the upcoming conference and asked everyone to read the FAQ to assist in answering questions for your bench mates. Make sure people contact the hotel directly regarding rooms or other questions about our stay at the resort. Very excited for what looks like a great conference.

Regarding prison tours, there have been three sets of tours conducted and MDOC will schedule future dates to allow more time to adjust dockets for Judges to attend. Please remember your staff is welcome to attend just remember to identify each person by name in advance.

The Tiger game will be Sunday, September 10, 2023 at 1:00 p.m. The cost is \$59.50 per person which includes exclusive use of the Pavilion with food and a cash bar for 90 minutes before the game and the seats which go with the Pavilion. This is a great way to promote comradery within our Association while enjoying America's favorite pastime. The game will be against the White Sox. To be able to secure this venue we must make a security deposit in the amount of \$1,200.00.

#### **4. SCAO REPORT: Judge Tom Boyd (Ret.)**

Judge Boyd thanked everyone for their participation at the recent conference in Grand Rapids and for the great security that was provided.

Judge Boyd is looking forward to our summer conference on Mackinac Island

SCAO is looking at the strategic plan from the Judicial Council as their guideline for what they will be doing in the future as their number one priority is to support the strategic plan.

Clean Slate is moving forward and having some technological issues but is moving to the juvenile files.

The grants to support overtime in support of clearing court back logs from COVID have been continued.

With the passage of ERPO, SCAO will be determining the best way to implement the procedures outlined in the statute.

SCAO is continuing to work toward statewide case implementation on JIS.

SCAO is working on some type of changes to MCR 8.006 as result of the *Krammer* decision. The *Johnson* case is still pending before MSC.

MIDC indicates there is a huge problem finding lawyers to fill positions in numerous counties.

Within 40 days a report will be published that reviewed data from Washtenaw County to determine if there was racial disparity in sentencing by one particular Judge as alleged by CREW (Citizens for Racial Equity in Washtenaw County). The report concludes there was not racial disparity by the Judge that was the focus of CREW, however, it did reveal inconsistencies in sentencing by a different Washtenaw County judge. SCAO will be running and publishing reports for all counties over the next months in support of racial transparency.

5. **SUPREME COURT REPORT: Supreme Court Counsel Alicia Moon**

The judiciary budget is now at the conference stage with the goal to complete the budget by the end of June.

A Deputy Counsel has been hired, his name is Trevor Vandyke. Mr. Vandyke was currently working for the DNR but has 17 years' experience with the Michigan legislature. He started last week.

6. **EXECUTIVE DIRECTOR'S REPORT: Monica Martinez**

Focus has been on the budget and some of it should be complete by next week. There is an issue about immediate effect because the budget starts October 1<sup>st</sup> but salary is end of the year plus 90 days.

Currently talking to legislatures about priorities including Second Look and the Juvenile Justice Package. Remember most of the policy people are not lawyers and therefore do not know how these policies will work in real life when trying to be implemented. Please do not hesitate to reach out to Monica on any issues or concerns.

Judge Yokich shared that Monica is very respected by the Legislature and their Staff.

## 7. **COMMITTEE REPORTS**

### (A) **LEGISLATIVE COMMITTEE: Judge Yokich & Judge Matis:**

Judge Matis reported for the committee:

Moving forward on 401(k) discussions. After learning that most legislatures assumed all Judges had pensions, Monica put together a FAQ sheet that was terrific.

Still working on judicial security

Health insurance for Judges continues in discussion and how to deal with the fact that Probate Judges are paid by the county.

Committee also discussed several issues that over-lap with the criminal law committee and did not vote on any issues

REMINDER: Hands Free Driving goes into effect June 30, 2023!

### (B) **FAMILY LAW COMMITTEE: Judge McNabb & Judge Schlegel:**

Judge McNabb reported for the committee:

Committee requests MJA oppose HB 4390 which affects Court interpreters. Judge Yokich moved that MJA oppose HB 4390, seconded by Judge Yost Johnson. Motion passed without objection or abstention. Monica will assist framing our concerns in the letter to be sent by Judge Rick.

Committee requested MJA support SB 248. Note, this is the Bill that Judge Feeney testified before the committee dealing with support dogs and our concern about certification and raising the age to 18. Most of our requested changes were made.

Judge McNabb moved to support SB 248, seconded by Judge Feeney. No discussion. Motion passed without objection or abstention.

### (C) **RULES COMMITTEE: Judge Yost Johnson & Judge Lillard:**

Judge Yost-Johnson reported for the committee:

Committee requests that MJA support request that Form CC379 relating to service of motions to modify or terminate a PPO be revised to specifically state personal service is allowed as outlined in MCR 2.105.

Judge Testani moved that MJA request that form CC379 be revised, seconded by Judge Yost-Johnson. Motion passed without objection or abstention.

Committee requested MJA support modifications to MCR 2.511 and 6.412 that would require the Court to allow attorneys or parties to conduct *voir dire* in civil or criminal cases if the Court examines prospective jurors.

Motion by Judge Yost-Johnson to support the modifications to MCR 2.511 and 6.412; second by Judge McNabb. Discussion.

Motion failed 10 to 9 after role call vote.

Judge Tina Yost Johnson motioned to oppose proposed MCR 2.311 modification regarding mental health examinations. Seconded by Judge McNabb. No discussion. Motion carried without objection or abstentions.

Judge Tina Yost Johnson mentioned ADM 23-06 which would amend MCR 6.001. MCR 8.119 and MCR 6.451. This would be referred to the Criminal Committee. Judge Stutesman stated that the criminal law committee looked at this amendment and supports it.

ADM 22-46 MCR 6.425 regarding allocution rights would also be referred to the Criminal Committee but the expiration on this is August 1, 2023. Judge Warren questioned the position of the rules committee regarding judicial legal education. Judge Yost Johnson stated that the rules committee reviewed the proposal and took no position at this point as this proposal will likely be revamped. Judge Yost Johnson said that the comment period expires July 1, 2023. Judge Rick suggested to Hon. Warren to submit comments regarding this proposal.

- (D) **CRIMINAL LAW COMMITTEE: Judge Stutesman & Judge Rowe:**  
Judge Rowe reported for the criminal law committee that met the Friday prior to this meeting.

Judge Rowe moved that MJA support HB 4661 which amends MCL 750.165 and provides more discretion in setting bond regarding child support criminal cases, second by Judge Prill. No discussion. Motion passed without objection or abstention.

As to the "Second Look" Legislation, the committee must meet with Rep. Chain (sp) to get more information regarding that bill. As to HB 4629, that matter will be referred to the Family Law Committee. As to HB 4655 (bond reform), the Legislature will be working on this bill in the fall. As to HB 4657 (Pre-Trial Services Division), the Criminal Committee and the Legislative Committee share the same concerns

regarding the funding of a pre-trial services division. The Criminal Committee will take no position on these issues at this time but will monitor this to see whether any of these bills move forward.

As to HB 4662 (definition of absconding), the proposal amends speedy trial language and there is no exception for docket congestion. Specifically, a defendant must be tried in 18 months following arrest. The committee will monitor this bill to see whether it gains any traction.

As to HB 4690, this proposal requires the court to inquire on the record if there is a religious issue regarding treatment programs and that it forces the court to find secular treatment if requested. The committee will continue to monitor this bill to see whether it gains any traction.

Judge Stutesman reported that all of these bills are being "kicked" until the fall based upon Monica's recommendation.

(E) **CIVIL LAW COMMITTEE: Judge Toia & Judge Rossi:**  
Judge Rossi reported for the civil law committee.

The Committee reviewed HB 4734, 4735 and 4736 regarding schools stocking Narcan as well as provide training. Judge Rossi motioned to support these bills, seconded by Judge Prill. No discussion. The motion carried without objections or abstention.

(F) **JUDICIAL AND COMMUNITY OUTREACH: Judge Prill & Judge Warren:**  
Judge Prill reported for the Outreach Committee.

The committee is reaching out to Judge Mertz regarding the website and having the vendor assist us with it. Hilda Gage award nominations closes on the 26<sup>th</sup> of June and only received two nominations to date. Judge Warren will provide equipment to record our main speaker at the conference.

(G) **CONFERENCE PLANNING: Judge Feeney**  
Judge Feeney addressed the board regarding the conference. All committee notes must be submitted as soon as possible. We are down to 35 rooms available on Sunday and 42 rooms available on Monday. The block closes June 28, 2023. Notices will be sent to MPJA and MDJA regarding our conference. An updated FAQ sheet is in the process of being completed. She updated us regarding all the speakers and presentations to be made at the conference. Sip and Sail will also be available. All committee reports are to be sent by Aug. 1, 2023, to Judge Mertz to post on the website. Executive meeting is scheduled between 3 and 4 p.m. and the MJA general

meeting is between 4 and 5 and the reception on the Promenade Deck will be at 5 p.m. (no formal dress required). Dinner between 7-9 p.m. and Hilda Gage Award as well as officer swearing in will occur as well.

(H) **BYLAWS COMMITTEE: Judge Zuzich Bakker**  
No report this month.

(I) **AD HOC COMMITTEE FOR THE 2023 SUMMER:**  
See Conference Planning

(J) **RETIRED JUDGES: Judge Ransom**  
No report this month.

8. **OLD BUSINESS:** None

9. **NEW BUSINESS:** None

10. **FOR THE GOOD OF THE ORDER:** None

**ADJOURN:** Meeting Adjourned at 2:47 p.m.

**NEXT MJA EXECUTIVE BOARD MEETING:  
August 13, 2023 - Mission Point Resort  
3 p.m. Summit Room (Main Lodge)**

**MJA Annual Meeting  
August 13, 2023 - Mission Point Resort  
4 p.m. - Cypress Room (Main Lodge)**