

February 11, 2006

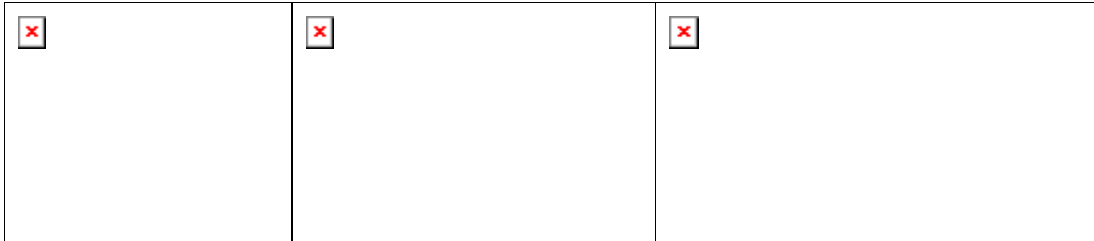
Hello,



CIRCUIT COURT ENJOINS RELEASE OF CRIMINAL HISTORY INFORMATION

*- By Robert A. Lusk
Attorney, Clark Hill PLC*

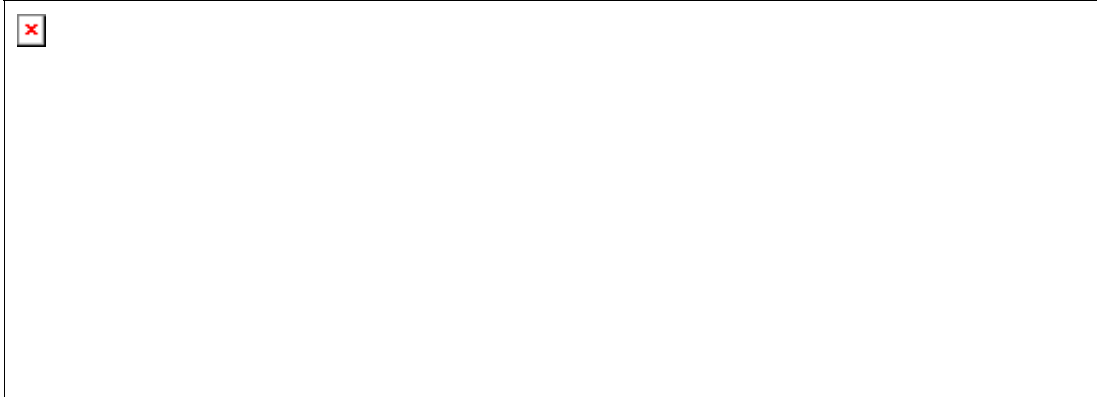
Ingham County Circuit Court Judge, Hon. Joyce Draganchuk, entered an order Friday morning (February 10, 2006) preliminarily enjoining the Michigan Department of Education (MDE), the Superintendent of Public Instruction and "any other governmental entity" from disseminating the criminal history information local districts recently received from MDE. The Court found the information in its current form was "not suitable for public dissemination" and fell within FOIA's "unwarranted invasion of privacy" and "preliminary communications" exceptions. In a related development, a bill has been introduced in the House which, among other things, permits districts up to 14 days to verify the information provided by MDE, during which time the material would be exempt from FOIA. Firm clients are cautioned that Judge Draganchuk's order is not binding precedent and may not be followed by other circuit court judges and the recently introduced House bill may not be enacted.



Educational & Municipal Law Group

Dana L. Abrahams (248) 988-5840
Joseph C. Bennett (248) 988-5850
Roderick S. Coy (517) 318-3028
James M. Crowley (248) 988-5851
Maria Fracassa Dwyer (248) 988-5899
John L. Gierak (248) 988-5845
Neil H. Goodman (248) 988-5880
Edward C. Hammond (248) 988-1821
Patrick M. Higdon (248) 988-5874
Robert A. Lusk (248) 988-5847
André F. Mayes (248) 965-8383
Mark W. McInerney (313) 965-8383
Daniel H. Minkus (248) 988-5849
William A. Moore (313) 965-8674
Haran C. Rashes (517) 318-3019
Alan D. Szuma (248) 988-1818
Joseph E. Turner (313) 965-8895
Reginald M. Turner (313) 965-8318
(248) 988-5854

Florence M. Vincent



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