

2004/2005 ANNUAL REPORT REAL PROPERTY LAW SECTION

The Real Property Law Section continues to be one of the more active and largest sections in the State Bar of Michigan. The following will detail the activities of the Section during the past year.

Education

During the past year, we continued our presentation of the Homeward Bound Series which consisted of six afternoon seminars on current real estate topics of current interest, with an emphasis on intermediate and above education. As always, the topics and the programs were offered in conjunction with the Institute for Continuing Legal Education. As has been past practice, the Section also held two breakfast roundtables. These roundtable presentations are held in the morning at the Townsend Hotel in Birmingham, and continue to be a huge success, being sold out long before the presentation date. The Section intends to continue the offering of these morning breakfast roundtable sessions and explore opportunities for adding more sessions in different locations. In another significant move forward, the May Homeward Bound program was videoconferenced to Grand Rapids. Based on the success of that presentation it is the Section's intention to continue expanding videoconference educational sessions to the western part of the state to increase participation by our western members.

The Section also continued publication of its quarterly Michigan Real Property Review, containing timely articles of interest on topics of real estate law, a legislative summary, case comments, and a report on continuing legal education opportunities sponsored by the Section.

Summer Conference

In July, 2004 our Summer Conference was held at the Treetops Resort in Gaylord. The cornerstone of the summer conference remained the educational sessions. Breakfast roundtables were held on Thursday and Friday mornings followed by presentations and workshop sessions. Due to the increasing involvement of sponsorships for the summer conference, the Section was able to offer attendees many social activities from cocktail receptions to golf clinics and a golf scramble. The annual meeting of the Section was held in conjunction with the 2004 Summer Conference, continuing the practice started in 2003. The Summer Conference was extremely well attended and enjoyed by all section participants and their families.

Winter Conference

In March, 2005, the Section held its second Winter Conference in a row, building upon the success of the 2004 Winter Conference in Toronto. The 2005 Winter Conference was held in South Beach, Florida, and centered around an extensive and informative program detailing aspects of Florida law for Michigan real estate law practitioners. As was hoped, attendance exceeded that of the 2004 Winter Conference and financial performance was also substantially improved. The Council of the Section has made the decision to again hold a Winter Conference in 2006 with the expectation that the increased attendance and interest in these programs will result in the Winter Conference being returned to a self supporting annual event.

Legislation and Public Policy Advocacy

This past year the Section continued to keep a watchful eye on legislation in the State of Michigan and to bring to bear the expertise of the Section with respect to legislation affecting the practice of real estate law in Michigan. In numerous instances,

the Section was called upon to review and/or comment on pieces of legislation before they were even submitted as bills. In other cases, the Section registered official opposition or support for legislation affecting the practice of real property law in this state after introduction of a Bill. The expertise of the special committees of the Section was tapped for the purpose of reviewing and commenting on proposed bills identified by the Section's lobbyist. Other legislation not apparent to the lobbyist that would affect the practice of real estate law in Michigan is identified by the Vice Chairperson of the Section and referred to special committees for comment. Over the course of any given year, including 2004/2005, over 100 pieces of legislation are identified and followed by the Vice Chairperson, the lobbyist and the special committees.

The Section continues to take an active role in public policy and advocacy matters. The Section has been asked by the Michigan Court of Appeals and the Michigan Supreme Court on various occasions to submit amicus briefs involving areas of real estate law which require particular expertise. The Section takes great pride in being called upon by the Courts of this state to provide inside on issues of real estate law. Members of the Section also have increasingly been asking for the Section's assistance in amicus matters. While the Section must be careful to guard its limited resources in this area, all requests are submitted to special committees for evaluation and report to the Council. In those areas where a particular issue of law or practice important to all Michigan real estate practitioners is involved, the Real Property Law Section stands ready to lend its assistance on such matters by the filing of amicus briefs.

The Real Property Law Section, as well as other Sections of the State Bar have also been asked by the Michigan Court of Appeals (through the offices of Chief Judge

Whitbeck) to assist in identifying areas of operation of the Michigan Court of Appeals that can be improved. Chief Judge Whitbeck visited the Council during one of its Saturday morning meetings. The Council listened intently while Judge Whitbeck gave an overview of his and the court's internal efforts to improve operations, and then he enlisted the support of the Council in identifying areas and potential solutions for further improvements to the operation of the court. By June of this year the Section expects to submit its contributions to that effort.

Technology

The Section continued to accelerate its use of computer technology as a mechanism to deliver information to its membership. During the past year, the Section administrator has utilized electronic communication as a means of keeping the membership involved of the Section's educational programs and conferences. This is in addition to the Council using electronic means for the dissemination of almost all information and agenda materials. This advancement in the operation of the Council has resulted in the ability to timely respond to matters which may arise between monthly Council meetings. The Section's special committees have also continued to set up and utilize listservs for the purpose of conveying information to their members.

Long Range Planning

In the summer of 2004, outgoing chairperson, Larry Dudek, established an ad hoc committee for the purpose of developing a long range plan for the Section in many areas including membership, technology, education, and legislative and public policy advocacy. Over the past year, the members of the Council have given substantive time and effort to developing innovative ideas and proposals to insure the long range vitality and relevance of the Real Property Law Section. Spirited debate and discussion of

these proposals has taken place during several committee meetings held during the year. Under the current timetable, the committee will coordinate and consolidate the work of each of the subcommittees into a long term plan to be submitted to the Council during the summer of 2005. It is with great anticipation and excitement that the Council looks forward to this report and subsequently to the implementation of those ideas that fit with the Section's plans and substantive mission.

Habitat for Humanity

In Fall 2004, the Section Council voted to sponsor its second Habitat for Humanity house in the last five years. While the first house was for the occasion of the tri-centennial of the City of Detroit, this effort was planned to coincide with the Jimmy Carter Work Project which comes to Detroit in June of 2005. This international event sponsored by Habitat for Humanity International and Habitat for Humanity Detroit will bring substantial involvement and publicity to this program, and the efforts of those citizens who assist in the building of affordable housing for less fortunate families. Through the efforts of the Council members and their firms and clients, the Section was able to raise the necessary funds to sponsor a house, as well as to staff in full the workforce that will be completing this house in June of 2005. At its May meeting, the Council was presented with the Scales of Justice Award by the NALS Foundation (National Association of Legal Secretaries) for its work in raising the sponsorship for this house. The Section and its Council are proud of this substantial contribution to the community which it serves.

Mark F. Makower
2004/2005 Chairperson