

ANTITRUST, FRANCHISING & TRADE REGULATION SECTION

STATE BAR OF MICHIGAN

APRIL 3, 2009 SECTION MEETING MINUTES

CALL TO ORDER, ATTENDEES, & MINUTES

At about 12:00 Noon, Chairperson Rick Juckniess called the meeting to order at Miller Canfield Paddock & Stone, 101 North Main Street, Ann Arbor, Michigan 48104, (734) 688-7798. Because of a necessary last minute change of meeting location, all non-Ann Arbor-based attorneys attended by telephone. Besides Mr. Juckniess, the meeting attendees were:

Vice Chairperson: Blair Renfro

Secretary: Howard Lederman

Treasurer: David Janis

James Adams

Stuart Bordman

David Grand

Justin Hakala

Atleen Kaur

Mitch Rapp

Kimberly Scott

Suzanne Wahl

Pahl Zinn

The attendees approved last meeting's minutes.

PUBLICATIONS COMMITTEE REPORT

By March 10, 2009, Mr. Lederman and Mr. Bordman had met and reviewed two e-newsletter articles, Mr. Hakala finalized and distributed the e-newsletter. The attendees expressed their gratitude to Mr. Hakala for his splendid work in finalizing the e-newsletter. The attendees then set a May 10, 2009 draft article deadline and a May 24,

2009 final article deadline. Mr. Juckniess, Ms. Kaur, and Mr. Lederman will write articles.

Mr. Juckniess reported that he had received an email from Professor Stephen Cernak, a University of Michigan Law School professor, teaching an advanced antitrust law course this spring. Professor Cernak stated that he could solicit and obtain student articles for our publications. Mr. Juckniess will reply that our section is open to receiving such student articles.

Some conferees suggested contacting economists to write articles for the next e-newsletter. The conferees will examine this suggestion at future meetings.

In response to Mr. Juckniess' feedback from Larry King of the State Bar that according to its records, Mr. Adams remains Publications Committee Chairperson, Mr. Lederman will email Mr. King that Mr. Bordman and Mr. Lederman are the committee co-chairpersons.

FRANCHISE COMMITTEE REPORT

On March 2, 2009, Mr. Lederman and Mr. Bordman met to continue planning for a Fall 2009 franchising seminar. Mr. Bordman stated his intent to speak on franchise registration, and Mr. Lederman stated his intent to speak on franchisee claims on franchise termination and franchisor defenses to those claims, excluding antitrust claims and defenses. Mr. Lederman reiterated the possible speakers and subjects from the last meeting, including vehicle dealerships (What obligations do vehicle manufacturers/franchisors have to vehicle dealers/franchisees?). At the last meeting, Mr. Janis had suggested Mr. Cutlip and Mr. Herrmann as possible speakers on this subject. Another attendee had suggested Mr. Lehman. Mr. Janis said that he would contact these suggested speakers before the next meeting. Mr. Juckniess will speak on antitrust law developments impacting on franchise law. Another possible speaker is Ari Lehman, who just left Bodman Longley. The attendees agreed to finalize the speakers and subjects by our next meeting, May 1, 2009, if possible.

Mr. Lederman reported that he and Mr. Bordman were proposing an October 15, 2009-November 20, 2009 seminar time period, a half-day seminar, and a Hotel Baronette-Novis, Michigan location. The conferees agreed to these proposals. Mr. Lederman and Mr. Bordman will finalize the date, time, and location soon.

EDUCATION/SEMINAR COMMITTEE REPORT

Regarding the Fall 2009 Franchising Seminar, see the above Franchise Committee Report.

Concerning the Real Estate Multi-Listing Service Antitrust Seminar or Webinar, Mr. Janis contacted the State Bar Real Estate Section, but his contact reported little or no interest. The reason was due to the severe recession, the estimated number of Michigan

real estate agents, brokers, and the like has dropped by at least 33%. But the attendees recognized possible other State Bar section and other interest. Mr. Janis talked with another Kerr Russell & Weber attorney and reported this attorney's interest in speaking on the subject. Mr. Janis estimated that the webinar would last for about 1 hour, with 45 minutes being the speaker's presentation, and 15 minutes being for questions. Mr. Janis will email Mr. Juckniess a seminar summary for eblasting about April 8, 2009. Mr. Janis or the speaker will prepare an outline for distribution before the webinar. As the conferees had agreed at the last meeting, the webinar will also have a call-in phone number for individuals unable to attend in person to attend by phone.

Mr. Renfro reported on his contacts with the Michigan Attorney General's office about an antitrust webinar or an update presentation on what the office has been doing. The Attorney General's response was negative on both. But Mr. Juckniess will write to the Attorney General's office, the head of the Consumer Protection Division, to urge him to agree to do the update presentation.

In response to Mr. Juckniess' suggestion, the attendees agreed to think about future webinars for the late summer or early fall of 2009. Two attendees expressed interest in working on these future webinars.

STUDENT WRITING COMPETITION AWARD

By motion and unanimous approval, the conferees agreed to award the above competition award to Mr. Hakala. To make sure that he receives his award money as soon as possible, the section will give the State Bar a copy of the February 20, 2009 section minutes and the section rules as soon as possible.

FUTURE EVENTS

The conferees again discussed Mr. Juckniess' idea of a Detroit Institute of Arts [DIA] outing. They agreed to Mr. Juckniess' suggestion that the event be a private, Friday night or Thursday night event. After discussion, they agreed on a Thursday night. The conferees agreed on a mid-May 2009 date. Mr. Juckniess will finalize a May 14 or May 21, 2009 date with the DIA. The time will be 5:30 PM or 6:00 PM. He will also finalize the number of event hours. Mr. Juckniess estimated the total cost as \$5500.00. Mr. Janis suggested drinks and appetizers before or after the event. Then, the attendees agreed to invite significant others, federal judges, and law professors teaching subjects related to the section's areas. Mr. Lederman estimated a 30 to 60-person headcount. Mr. Juckniess will eblast and mail final outing information as soon as possible.

The attendees next discussed other social event ideas. Due to the above mid-May 2009 DIA event, they shelved the proposed late April 2009 social event. Mr. Lederman stated that he had reviewed possible locations relating to his Frisbee golf outing idea. He suggested that the best location would be one, where participants could rent Frisbee golf Frisbees.

PRESENT SECTION COUNCIL MEMBERS AND OFFICERS

Under the Bylaws, Article III, Section 2, “[a]t each annual meeting of the Section, four council members shall be elected for a term of three years....”

The conferees voted to expand the section council membership this year to include three members willing to serve and contribute to the section. These members were David Graham, Mitch Rapp, and Bob Wierenga.

As of this date, the following Section Members and Officers are Council Members:

James Adams: Third Year.

Stuart Bordman: Third Year.

David Grand Second Year.

Howard Iwrey: Third Year.

Fred Herrmann: Third Year.

David Janis: Third Year.

Rick Juckniess: Third Year.

Atleen Kaur: Second Year.

Howard Lederman: Third Year.

Paul Novak: Third Year.

Mitch Rapp: Third Year.

Blair Renfro: Second Year.

Bob Wierenga: Second Year.

OTHER BUSINESS

Based on the section’s earlier approval of a section directory, Mr. Hakala will obtain quotes from providers able to prepare it in black and white or color. He will inform us of the quotes at the next meeting.

Based on his exemplary attitude in attending his first meeting (by telephone with Mr. Lederman), the attendees unanimously voted his canine companion, Brandon, in as

an honorary section member. By implication, the attendees agreed that honorary membership would be open to other canine and feline companions demonstrating the same positive attitude.

TREASURER'S REPORT

Mr. Janis reported that as of February 28, 2009, the section treasury had \$44,623.00.

NEXT MEETING

The next section meeting will be on Friday, May 1, 2009, at 12:00 Noon at Dickinson Wright, 301 East Liberty Street, Ann Arbor, Michigan 48104, (734) 623-7075

Howard Yale Lederman, Section Secretary
219 Elm Street, Birmingham, MI 48009
(248) 642-3600
lederman@normanyatooma.com

antitrust, franchising, trade reg section\02 20 09 section meeting minutes 04 27 09