

ANTITRUST, FRANCHISING & TRADE REGULATION SECTION

STATE BAR OF MICHIGAN

DECEMBER 4, 2009 SECTION MEETING MINUTES

CALL TO ORDER, ATTENDEES, & MINUTES

At about 12:00 Noon, Chairperson Blair Renfro called the telephone conference meeting to order from his office at the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909, (517) 241-6188, renfrob@michigan.gov. Besides Mr. Renfro, the meeting attendees were:

Vice Chairperson: Andrew Morganti

Secretary: Howard Lederman

Treasurer: David Janis

James Adams

Craig Essenmacher

Justin Hakala

Fred Herrmann

John Schroder

Brock Swartzle

The attendees approved the last meeting's (October 23, 2009) minutes.

PUBLICATIONS COMMITTEE REPORT

Mr. Hakala has completed a rough draft and will publish and distribute the December 2009 E-Newsletter shortly. It will include an announcement on the upcoming section member directory. At an earlier meeting, the conferees agreed to notify all section members of their opportunity to include their names, business addresses, business telephone numbers, business email addresses, legal specialties, biographical information, and photos this fall. The e-newsletter will include this notification.

Mr. Lederman mentioned the need for advance notification of article deadlines for the next e-newsletter due out in February 2010. Articles will be due one week before publication. At the next meeting, Mr. Hakala will announce the publication date. Mr.

Renfro will write an article on state action in relation to antitrust law. Mr. Lederman will write a franchise law article.

Regarding the section directory, at the last meeting, Mr. Renfro stated his intent to review Mr. Juckniess' directory materials, like State Bar of Michigan samples, in the near future. Mr. Schroder will begin work on the directory to incorporate section members' pictures and short biographies (one short paragraph). Mr. Hakala reported that on content, the State Bar standards are flexible. He will incorporate section members' State Bar of Michigan information into the directory. He stated his intent to communicate design options and to have the section finalize the directory design at the next meeting

FRANCHISE COMMITTEE REPORT

The attendees discussed the October 30, 2009 Franchise Law and Practice Seminar regarding attendance, content, and learning. Mr. Lederman emphasized that from every speaker, he had learned something new. The next franchise law and practice efforts will focus on articles for the February 2010 E-Newsletter and ideas for the section's services to franchise law attorneys.

EDUCATION/SEMINAR COMMITTEE REPORT

On October 13, 2009, Mr. Renfro mentioned a possible seminar involving administrative law and antitrust law. He will contact an AT & T antitrust attorney, Bill Sherry. Mr. Morganti will contact the Ontario Antitrust Lawyers organization on its members' interest in this seminar. These efforts on this seminar will continue.

Mr. Renfro spoke further about the public utilities and regulation seminar that he had suggested at the October 13 and 23, 2009 section meetings. He had talked to the Presidents of DTE and Consumers Energy regarding this seminar. He has also talked Bill Schur of AT & T as an antitrust law presenter. After some discussion, the conferees agreed to shoot for an April 2010 seminar date. Mr. Renfro said that he might invite the State Bar of Michigan's Administrative Law Section to cosponsor or otherwise participate in the seminar. He envisioned a full-day seminar costing \$75 to \$100 in Lansing. Several conferees again expressed support for this seminar. Mr. Renfro and Mr. Swartzle mentioned several possible attorney sources of interest.

The attendees then discussed Mr. Renfro's idea of including section membership in the seminar dues. Mr. Renfro mentioned a \$90 seminar fee, including section membership. Mr. Swartzle mentioned a similar \$100 seminar fee, including section membership. Mr. Lederman will check with the State Bar on other section seminars' fees for comparison purposes.

FUTURE EVENTS

Mr. Renfro urged all conferees to spread the word on the upcoming December 8, 2009 section dinner at the Roast Restaurant in the Westin Book Cadillac Hotel, 1128

Washington Boulevard, Detroit, Michigan 48226, at 7:00 PM. Mr. Morganti informed the attendees that seating for our group was limited to 30 people. Several attendees responded that they were spreading the word.

SECTION COUNCIL MEMBERSHIP INFORMATION

TERM EXPIRING 2010

1. Stuart R. Bordman
2. David R. Grand
3. Mitch Rapp
4. Robert Wierenga

TERM EXPIRING 2011

1. Atleen Kaur
2. Fred Herrmann
3. Paul Novak
4. James Adams

TERM EXPIRING 2012

1. Brock Swartzle
2. Pahl Zinn
3. Kimberly Kefalas
4. Craig Essenmacher

OTHER SECTION COUNCIL MEMBERS

1. Immediate Past Chairperson: Rick Juckniess
2. Ex-Officio Publications Editor: Justin Hakala
3. Michigan Department of Attorney General Member: Vacant

SECTION BYLAWS CHANGES

At the October 23, 2009 meeting, Mr. Juckniess asked if a complete republication of the revised bylaws was necessary. Mr. Renfro and Mr. Lederman responded that they would investigate this and report back at a future meeting.

At the October 23, 2009 meeting, Mr. Renfro had informed the attendees of the Michigan House of Representatives bill extending the state sales tax to certain kinds of legal services. Whether the bill mentioned legal services was unclear. Mr. Herrmann mentioned that Ms. Elizabeth Lyon of the State Bar was monitoring this issue. Mr. Juckniess stated that his law firm was lobbying against any sales tax on legal services. He explained that such a tax would put in-state law firms at a competitive disadvantage against out-of-state law firms. Mr. Bordman added that his firm provides legal services

for many out-of-state clients, who can go elsewhere. Mr. Juckniess suggested contacting the State Bar and obtaining an economist's opinion on any such extension of the state sales tax. Mr. Lederman suggested support for alternative revenue sources. After further discussion, Mr. Renfro stated that he would contact the State Bar, Ms. Lyon, on any bills proposing to extend the state sales tax to services.

Mr. Schroder reported that the state legislature had not voted on any recent bill incorporating a sales tax on legal services, and that any bill possibly incorporating such a provision was in committee with no action imminent. Mr. Juckniess reported that he was working on a document opposing any such provision.

TREASURER'S REPORT

Due to absence of information from the State Bar, Mr. Janis could not present a treasurer's report this meeting, but anticipates a report for the next meeting.

NEXT MEETING

The next section meeting will occur on January 8, 2009 at the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909, (517) 241-6188, renfrob@michigan.gov.

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