

ANTITRUST, FRANCHISING & TRADE REGULATION SECTION

STATE BAR OF MICHIGAN

SECTION MEETING MINUTES

CALL TO ORDER, ATTENDEES, & MINUTES

On May 2, 2011, at about 12:00 PM, Chairperson Andrew Morganti called the meeting to order at Cafferty Faucher, PC, 101 North Main Street, Suite 565, Ann Arbor, Michigan 48104, (734)-769-2144, pcafferty@caffertyfaucher.com. Besides Mr. Morganti, the meeting attendees were:

Secretary: Howard Lederman

Treasurer: David Janis

Pat Cafferty

Craig Essenmacher

Keith Essenmacher

Justin Hakala

Lance Young

The attendees will review the last meeting's (January 14, 2011) minutes for approval at the next scheduled meeting.

PUBLICATIONS COMMITTEE REPORT

The Publications Committee has just published and distributed the section's e-newsletter. In accordance with our section's vote at the November 5, 2010 meeting to eliminate hard copy distribution, the committee distributed this e-newsletter by email only, thus saving the section time, effort, and money. These are available for other section uses. Also, in the e-newsletter publication process, the new section intern, Ms. Xeneli, worked well. The attendees voted to open the e-newsletter to out-of-state articles.

FRANCHISE COMMITTEE REPORT

Mr. Lederman is pursuing Mr. Bordman's suggestion of a franchise seminar with one speaker and the seminar attorneys sharing their experiences in box lunch format. Mr. Lederman has resumed his contact with a leading franchise law attorney for his suggestions. Mr. Lederman will continue to contact other franchise law attorneys

regarding this event. The e-newsletter has published his franchise law article with any required changes for the next e-newsletter in the next few days.

EDUCATION/SEMINAR COMMITTEE REPORT

Mr. Zinn proposed a joint antitrust law regulatory compliance seminar with the State Bar of Michigan's Business Law Section. Since he knows the new chairperson, he will call him to propose and discuss his idea.

At our section's November 5, 2010 meeting, Mr. Morganti had informed the conferees that a US Department of Justice lawyer might speak at a seminar on antitrust and criminal issues. Mr. Morganti had also suggested that a Canadian lawyer might compare and contrast the American Sherman Antitrust Act and comparable Canadian competition laws. The conferees had discussed the seminar, including Mr. Lederman's idea of videotaping the seminar. At the January 14, 2011 meeting, the conferees resumed discussion of this seminar with a suggested date of September 16, 2011. Thus, this seminar would be part of the section's annual meeting in conjunction with the State Bar's annual meeting. Mr. Morganti suggested that Kevin Calun **LAST NAME SPELLING** of the U.S. Department of Justice would be a good guest speaker on the antitrust and criminal issues. Finally, Mr. Morganti will resume contact with the Michigan Criminal Law section to see if it is interested in co-sponsoring the seminar.

On May 17, 2011, Mr. Zinn learned that our section needed to confirm its State Bar Annual Meeting arrangements as soon as possible. Later, Tracy Sproul from the State Bar gave the deadline as May 27, 2011. On May 26, 2011, Mr. Morganti, Mr. Zinn, and Mr. Janis communicated, completed the necessary arrangements, and forwarded them to Ms. Sproul in time.

Planning for the Third Annual Great Lakes Antitrust Seminar is continuing. Mr. Morganti, Mr. Zinn, and one other section attorney attended the Second Annual seminar. The conferees agreed that this seminar was an important event deserving of our section's support. The conferees discussed possible videocasting **ASK RE MEDIA** at Dickinson Wright.

LAW SCHOOL OUTREACH PROGRAM

At the November 5, 2010 section meeting, the conferees had agreed on increasing section membership as a goal and considered ideas to increase section membership. In 2008-2009, the section had 276 members. Mr. Lederman had suggested holding section meetings with presentations on our section at law schools during the noon hour. He had suggested a broader focus beyond law students taking administrative, antitrust, or franchise law courses. Mr. Morganti, Mr. Zinn, and other conferees agreed to pursue this outreach program. The conferees had divided the first part, contacting the law schools, as follows:

Cooley Law School (Auburn Hills Campus): Mr. Lederman

University of Detroit: Mr. Zinn

Wayne State University Law School: Mr. Janis

University of Michigan: Mr. Morganti

Michigan State University Law School: Mr. Renfro

Since the January 14, 2011 meeting, the above section members have followed through with their efforts. The section officers have presented our section to further our outreach efforts at Cooley Law School (Auburn Hills Campus), the University of Detroit, and the University of Michigan. The first two presentations were successful. At least six students showed interest in joining our section, and we have opened the section to student members. Due to a schedule conflict with the annual basketball tournament, few University of Michigan students were available to attend our program on the scheduled night. But the conferees agreed to reschedule the University of Michigan presentation for Fall 2011. The Wayne State University presentation will also occur in Fall 2011. Possible outreach programs at the other schools during the second semester of next year remain open.

SECTION WEB SITE

The attendees will discuss section web site improvements at a future section meeting. By then, everyone will have reviewed our section's web site for possible improvements. Mr. Zinn had suggested adding links to the ABA sections corresponding to our section's substantive law areas, the Federal Communications Commission, the Department of Justice, and other organizations likely to be of interest. Mr. Morganti had emphasized the importance of a schedule showing upcoming events. Mr. Lederman had suggested looking at other State Bar of Michigan sections' web sites for ideas. The attendees focused on several goals, like making our web site more attractive and useful for section members, in-house counsel, law students, and others interested in our substantive areas.

OTHER BUSINESS

At the November 5, 2010 meeting, to improve future planning, the conferees adopted the following meeting schedule for the next year subject to the Chairperson's discretion to call special meetings and other necessary changes:

December 9, 2010-Annual Holiday Season Event

January 14, 2011

March 4, 2011

April 22, 2011

June 3, 2011

July 22, 2011

September 30, 2011

The above outreach efforts have caused some necessary schedule changes. But we expect that the next two meetings will take place as scheduled. The September 30, 2011 meeting date will change to September 16, 2011 to coincide with the State Bar annual meeting.

OTHER FUTURE EVENTS

At the August 25, 2010 meeting, the attendees had discussed a several possible future events. These included possible outings to the Detroit Institute of Arts, the Detroit Historical Museum, the Ann Arbor Art Museum, the Ann Arbor Historical Museum, the Motown Museum, and Greenfield Village. The attendees continued their discussion. An additional suggestion was the Henry Ford Museum. The attendees then focused on an early summer 2011 event. Mr. Zinn had suggested a joint Ann Arbor summer event and a US Department of Justice antitrust seminar. Several attendees responded favorably. Mr. Zinn will pursue this possibility, and it will be a future meeting subject. The attendees will decide on the spring event on or before the late spring meeting.

For future events, the attendees had seen the need to obtain an in-house attorney roster from the State Bar of Michigan. Mr. Morganti will contact the State Bar on this.

SECTION COUNCIL MEMBERSHIP INFORMATION

I have internalized its values of hope, perseverance, and will to win. As of this date (May 31, 2011), our section council membership and expiration years are:

TERM EXPIRING 2011

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

TERM EXPIRING 2012

1. Brock Swartzle
2. Keith Essenmacher
3. Kimberly Kefalas
4. Craig Essenmacher

TERM EXPIRING 2013

1. Patrick Cafferty
2. Lance Young
3. Rick Juckniess
4. Ari Lehman

OTHER SECTION COUNCIL MEMBERS

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

SECTION BYLAWS CHANGES

The October 2010 State Bar Journal published the approved section bylaws changes discussed at the last three meetings, and the last Section E-Mail Newsletter contained these changes. Mr. Morganti has faxed them to the State Bar sections coordinator, Heather Anderson. According to our latest information, the recently approved annual section membership dues increase to \$25.00 will not be effective until next year due to a delayed effective date for the section bylaws changes.

Mr. Zinn informed the conferees that a State Bar individual had informed him that our section's bylaws needed to go through the formal bylaws changes and bylaws approval processes again, because apparently certain bylaws referred to nonexistent articles, or because other minor discrepancies were present. Mr. Lederman responded that he saw no need to redo the entire process over a few minor changes, and that he could see such a need only if a major problem with notice or approval of the changes existed. He emphasized that no such problem existed. After some discussion, Mr. Zinn agreed to lead in reviewing and changing the bylaws to make them easier to amend.

Mr. Zinn has continued communications with the State Bar to resolve these issues. The attendees agreed that if any further communications with the section membership on these issues were essential, they will be by e-mail to save time, money, and effort.

TREASURER'S REPORT

Mr. Janis will present the treasurer's report at our next scheduled section meeting.

NEXT MEETING

The next section meeting will occur on June 3, 2011 at 12:00 Noon, at _____.

/s/ Howard Yale Lederman
Howard Yale Lederman, Section Secretary
1900 South Telegraph Road, Suite 201
Bloomfield Hills, Michigan 48302
(248) 481-2000
lederman@normanyatooma.com

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