

Appellate Practice Section Council
April 17, 2009
Farmington Hills, Michigan – Secrest Wardle

MEETING MINUTES

Present:

Barbara Goldman - Chair
Liisa Speaker [by Phone] - Secretary

Geoffrey Brown
Paul Bernard [by Phone]
Anthony Caffrey [by Phone]
Graham Crabtree [by Phone]
Phil DeRosier
Stuart Friedman
Linda Garbarino [by Phone]
Deb Hebert [by Phone]
Marcia Howe
Anica Letica [by Phone]
Stephanie Morita
Gerry Posner
Steve Rhodes [by Phone]
Peter Van Hoek

Excused Absences:

Frank Bernacki
Megan Cavanagh
Judith Curtis
Linda Garbarino
Christina Ginter
Ron Lederman
Mary Massaron Ross
Elizabeth Sokol
Jill Wheaton

Guests:

- I. Welcome and Call to Order.
 - A. Barb Goldman called the meeting to order at 2:12 p.m.
- II. Approval of Minutes.
 - A. March 13, 2009 minutes (previously circulated). Gerry Posner **moved** and Stuart Friedman **seconded** that the minutes of the March 13, 2009 council meeting as revised be approved (carried unanimously).
- III. Treasurer's Report.
 - A. Barb Goldman circulated the latest financial report. No report.
- IV. Committee Reports

- A. Court Liaison/Rules Comment.
 - 1. No report.
- B. Michigan Court Practice.
 - 1. No report.
- C. Publications.
 - 1. Newsletter. Deb Hebert reported that the next deadline is May 1, 2009. She was also contacted by a law student from University of Detroit about an article on the history of the Michigan Court of Appeals and Michigan Supreme Court, and she volunteered to reduce it for the newsletter.
- D. Technology.
 - 1. No report.
- E. Federal Practice
 - 1. Status of program. Registration was printed in the last newsletter. Stuart Friedman will contact the State Bar to post the federal practice seminar.
- F. Legislative Action.
 - 1. Graham Crabtree reported that the judiciary budget is working through the legislative process.
 - 2. Graham Crabtree also reported on HB 4705 and 4706 regarding indigent defense counsel fund, funding by a surcharge on bail and a new assessment for probationers. Some of the funding would go to SADO.
- G. Good Deeds
 - 1. No report.
- H. Economics of Appellate Practice
 - 1. Stephanie Morita reported that the State Bar work group (Law Practice Economics Survey/Smith v Khouri Work Group) held its first meeting on conducting a survey of attorneys fees. The work group will hold another meeting on April 29, 2009 in Lansing.
- I. 2010 Michigan Appellate Bench Bar Conference.

1. No report.
- J. Ad Hoc Committee on Record Production.
1. Peter Van Hoek reported the Committee met this week and will try to coordinate with Don Fulkerson, and whether a member of the Ad Hoc Committee could attend a Board of Review meeting, or whether Don would join the Ad Hoc Committee. One topic of discussion for the Ad Hoc Committee was how different counties handled the register of actions. The Committee also discussed the fees charged by court reporters.
- K. Circuit Court Appeals.
1. No report.
- V. Old Business
- A. "Essentials of Appellate Practice" seminar. Phil DeRosier reported that he has attended a planning meeting for the seminar, to possibly occur in October 2009. The seminar would focus on the basics of appellate practice, such as final order, claim of appeal, emergencies, interlocutory appeals, essentials of briefing, and so on. Phil would like for Court of Appeals staff to participate in the seminar.
 - B. 2009 Annual Meeting. Christina Ginter reported that she has confirmed the time slot for September 17, 2009 at 2 pm with a business meeting at 4 pm.
- VI. New Business
- A. ADM 2009-04 (standards for recusal of Supreme Court justices). Council discussed the administrative order and will discuss it at the next Council meeting after council members have had an opportunity to study the proposal.
 - B. HJR P (disqualification of Supreme Court justices). Council will wait to see what happens with ADM 2009-4 before deciding to comment on HJR P.
 - C. Supreme Court Historical Society luncheon. Thursday, April, 30, 2009. Marcia Howe **moved** and Linda Garbarino **seconded**, that Council purchase a table at the luncheon. (Carried unanimously).
 - D. 2008-2009 Annual Report. Barb Goldman reported that the report is due May 31, 2009. She needs committee chairs to send her their reports.
- VII. Next Meeting
- A. Next meeting: Friday, May 15, 2009, 2 p.m., Farmington Hills.

Call-in Number: 800-270-1153; pass code: 124048#.

- B. June meeting date. Council discussed having it on a Wednesday or Thursday evening. The meeting will tentatively occur on Thursday, June 25, 2009.

VIII. Adjournment

- A. Geoff Brown **moved** and Gerry Posner **seconded**. Motion carried. Meeting adjourned by unanimous vote at 3:09 p.m.