

**APPELLATE PRACTICE SECTION**

September 14, 2006

*Ypsilanti, Michigan*

*Present:*

Deb Hebert  
Linda Garbarino  
Barbara Goldman  
Paul Bernard

Janet Boes  
John Bursch  
Mark Cooney  
Judith Curtis  
Don Fulkerson  
Christina Ginter  
Marcia Howe  
Ron Lederman  
Gerald Posner  
Mary Massaron Ross  
Liisa Speaker  
Mike Updike  
Vic Valenti  
Jill Wheaton

*Excused Absences:*

Megan Cavanagh  
Terry Flanagan  
Anica Letica  
Roz Rochkind

*Guests:*

[not recorded]

- I. The Chair convened the Annual Meeting of the Appellate Practice Section at 2:10 p.m.
- II. Access to Justice campaign.

Lesia Smith of the State Bar of Michigan presented the Access to Justice campaign's "Benefactor's Award" to the Appellate Practice Section, with thanks for its 2005-2006 contribution.

- III. Program (joint presentation with the Litigation Section of the State Bar of Michigan)

Linda Garbarino introduced the panel participants, discussing "Litigators and Appellate Attorneys: Partners, Not Adversaries": Gordon Gold (substituting for James Partridge); the Hon. Christopher M. Murray; John Bursch (substituting for Marcia Howe); the Hon. Donald Shelton; the Hon. Kirsten Frank Kelly; and Kevin O'Dowd.

The Chair called the business segment of the meeting to order at 4:15 p.m.

- IV. Lawyers and Judges Assistance Program.

Hesta Waller-Randolph, Assistant Program Administrator of the Lawyers and Judges Assistance Program of the State Bar of Michigan, made a brief presentation regarding the program.

- V. Proposed amendment to MCR 7.211(C) (ADM 2006-08) (reduce time for motion to withdraw in termination of parental rights cases).

Deb Hebert indicated that the Council needs to decide whether to take a position on this proposal.

- VI. Expedited summary disposition appeals docket.

Deb Hebert reported that Megan Cavanagh had talked to Mary Massaron Ross and Sandra Mengel about the “sunset” provision of ADM 2004-5. Sandy indicated that the Court of Appeals may act on its own to propose an extension of the “fast track” program. The perception seems to be that, while practitioners have done reasonably well in working with the “fast track,” the Court has not had enough staff to keep up with the timetables that are part of the order. “Various options” will be considered.

Mary and Evelyn Tombers are expected to attend a meeting of the Case Management Work Group on October 6, 2006. They “anticipate” a proposed amendment to the current rule, with an opportunity for comment. When they receive it, one of them will post it to the general membership listserv.

It was agreed without motion that the Appellate Practice Section Council would defer any comment on extending or modifying ADM 2004-5 until it receives the Court of Appeals’ own proposals on it.

- VII. Election of Officers.

The Nominating Committee circulated paper ballots for the election of officers. The Chair solicited nominations from the floor. No nominations were received.

It was **moved** (Mary Massaron Ross) and **seconded** (Katherine McCree Lewis) that the slate of officers be adopted and a unanimous ballot be cast. *Motion carried* (unanimous). The Chair announced the election of Linda Garbarino, Chair; Paul Bernard, Chair-Elect; Barbara Goldman, Secretary; and John Bursch, Treasurer.

- VIII. Election of members of the Section Council.

The Nominating Committee circulated paper ballots for the election of members of the Section Council. The Chair solicited nominations from the floor. No nominations were received.

Christina Ginter, Phillip DeRosier, Ron Lederman, Stephen Rhodes, and Mary Massaron Ross made brief presentations. Deb Hebert spoke on behalf of Anthony Caffrey. Michael Van Erp was not present.

The Chair announced that Christina Ginter, Phillip DeRosier, Ron Lederman, Stephen Rhodes and Mary Massaron Ross had been elected as members of the Section Co Updike and Ed Wyszynski.

- IX. Transfer of gavel.

Deb Hebert presented the gavel to incoming Chair Linda Garbarino, with thanks for the excellent program portion of the meeting.

Linda Garbarino thanked Deb Hebert for her service as Chair and for her many prior years of service to the Appellate Practice Section. The membership applauded.

Linda announced a proposed schedule of meeting dates and said that she would circulate it on the general membership listserv the week of September 25, 2006. Mike Updike agreed to continue hosting the Council meetings at his office. Linda urged all Section members to attend the Council meetings.

X. Other business

Mary Massaron Ross reminded the members that the 2007 Michigan Appellate Bench Bar Conference still needs volunteers for the planning committee.

XI. Adjournment

It was **moved** (Vic Valenti) and **seconded** (Mike Updike) that the meeting be adjourned at 4:42 p.m. *Motion carried* (unanimous).

Respectfully submitted,

Barbara H. Goldman

Secretary