

**STATE BAR OF MICHIGAN
ARTS, COMMUNICATIONS, ENTERTAINMENT & SPORTS (ACES) SECTION
MINUTES OF JUNE 29, 2011 COUNCIL MEETING
HELD VIA CONFERENCE CALL**

A meeting of the Arts, Communications, Entertainment & Sports (ACES) Council, scheduled to be held at 4:30 p.m. at the office of Foster, Swift, Collins & Smith, P.C. in Farmington Hills, Michigan on Wednesday June 29, 2011, pursuant to notice duly given, was held exclusively by conference call due to a power outage at the scheduled location.

The meeting was called to order at 4:37 p.m. by the Chairman, John Kamins. Present in the conference call were the following (although not all of them at the start of the call): Chairman, John Kamins; Chair-elect Pamela Osborne; Secretary, Thomas Doty; Treasurer Todd Redden; and Council members Len Charla, Ethan Bordman, Matt Bower, Fred Frank, Henry Clay and Jeffrey Richardson.

The Chairman noted that the minutes of the two previous meetings of the Council had been distributed by email. A quorum was not present at the convening of this meeting and accordingly the voting to approve the minutes of the March 2, 2011 and January 25, 2011 meetings was deferred until the next meeting.

The Chairman expressed the section's congratulations regarding the recent nuptials of past chair Ethan Bordman.

The planning for an ACES summer social was discussed and tabled for further discussion.

Pamela Osborne stated that she expected to present a strategic planning committee report at the next meeting, with a draft of survey questions to be presented to the Chairman for distribution.

Len Charla stated that the *Michigan Bar Journal* has reserved an ACES theme issue for August 2012. Len requested that a one-page outline of each proposed article be emailed to his committee before September 15, 2010 either to him at *lcharla@comcast.net* or to Tom Anderson at *tanderson@patlaw.com*. Deadline for the final articles will be early 2012 for final editing, fact checking and proofreading. A goal to publish five articles was discussed. Current topics include several film issues.

A discussion ensued on the current state of the film industry in Michigan.

The Chairman reported for Larry Jordan regarding the successful May 10th ICLE/ACES seminar on evolving issues in social networking. Larry Jordan served as the Moderator, and these speakers wrote papers and spoke on topics as follow: John Kamins spoke on privacy issues, Rick Herman spoke on employer and employee rights issues, and Jeremy Bisdorf presented a social media overview and an overview of intellectual property issues.

The Chairman reported for Larry Jordan that ICLE is requesting a joint presentation with ACES in Spring 2012 on a topic to be determined. The possible topics suggested were an expansion of the presentations that Matt Bower and Rick Herman were delivering at Interlochen Arts Academy focused on several different areas involving a broad range of artists. The Chairman called on Matt to consider their presentation for an ICLE seminar or a shortened section

presentation. Matt commented on a “representing the visual artist” presentation. Henry Clay discussed the recent Supreme Court holdings regarding video games. The Chairman suggested First Amendment issues related to the arts. Pamela Osborne suggested arbitration and alternative dispute resolution issues and the artist’s or athlete’s rights. Jeff Richardson (who joined 29 minutes into the meeting) suggested FTC regulations affecting advertising issues, "copyright troll" litigation, and cloud services and their impact on design and delivery models. The Chairman suggested a focus on sports issues.

Discussion followed regarding planning a proposed August ACES social event. The Detroit Institute of Arts and the Detroit Historical Museum were mentioned as possible venues. The Whitney was also suggested since it had a favorable turnout for past ACES social events. It was acknowledged that the budget for the event was within the section’s current existing funds, and Henry Clay expressed his concerns regarding stewardship of the funds and prudent expenditures of those funds. The Chairman discussed the past costs of meetings and the need for social networking events for our members as expected and budgeted for this year. Matt Bower observed that August was a successful month for a social event, with mid to late August as a tentative date.

Volunteers were solicited and Todd Redden, Thomas Doty and Frederick Frank agreed to coordinate the new location and date. The consideration of officer schedules and Council member attendance were discussed as criteria. Henry Clay expressed concern about the costs and the need to expand the section’s reach, membership and participation as criteria. The Chairman

suggested that location should be considered as a means to encourage participation, and he noted that gaining new members and the interests of new members have been brought to his attention. Additional ideas were solicited from the above volunteers, with the chosen date (possibly August 23, 24 or 25) and venue to be presented to the officers and members before the next meeting.

The Chairman presented the following points for information and discussion:

- 1) Nominations for the upcoming term.
 - a. Pamela Osborne as the incoming Chair according to the ACES Bylaws should chair the election at the September 2011 ACES annual meeting, and the nominating committee should nominate a new Chair-Elect, Secretary and Treasurer.
 - b. Three Council members' terms are expiring. They are Fred Frank and Rick Herman, who have indicated they would be interested to serve a new 3-year Council term, and Les Schefman, who has indicated he would decline to be re-nominated for a new Council term.
 - c. Council member were asked to indicate their interest if they would like to serve on the nominating committee.
- 2) The Annual State Bar Meeting in Dearborn in September 2011.
- 3) The potential new VLA (volunteer lawyers for the arts) collaboration.
 - a. Rick Herman has represented ACES on the proposed ArtServe collaboration and he will report on it at the next meeting.

The next ACES Council meeting date was set for Tuesday August 2, 2011; time and location to be determined.

The Treasurer, Todd Redden, presented the financial report. An email was requested by Henry Clay to be sent to Council members regarding financial information. Todd stated he would send a copy to the Chairman for distribution. He reported that the monthly \$35.00 listserv charge was the section's only expenditure since the last report

For the period of March 1 – May 31, 2011, the Treasurer reported ACES year-to-date revenues of \$6,803.00 and expenditures of \$1,277.83, for net revenue of \$2,535.17. The period's beginning revenue was \$9,035.67, with a current balance of \$11,560.84. Discussions turned to the cost of the section's annual Hensel Award and the ICLE/ACES seminar expenses. Henry Clay expressed concern regarding the expenditures against the budget. The Chairman tabled the issue for later review and informed discussion.

The Chairman confirmed the continuation of the annual Hensel Award and the progress of the current nominations of this year's Hensel Award honoree.

There being no further business to come before the meeting, the meeting was adjourned by the Chair at 5:43 p.m.

Thomas N. Doty
Secretary

Dated 06/29/2011

ATTEST:

John Kamins, Chairman

Dated _____