

Environmental Law Section Council

Minutes

September 27, 2007

Present at Grand Rapids: Members of the Section, including John Byl, Susan Topp, Kurt Brauer, Ernest Chiodo, John Tatum, Dustin Ordway, James O'Brien, Craig Hupp, Scott Hubbard, Chuck Barbieri, Chris Dunsky, Pat Paruch, Dennis Donohue

Meeting called to order at 4:15 p.m.

1. MINUTES:

The minutes of the June 16, 2007 meeting were approved.

2. SECRETARY-TREASURER'S REPORT:

Chuck Barbieri presented the Secretary-Treasurer's Report and advised that the Section's account as of the meeting had a balance of over \$47,000 based on State Bar records.

3. NOMINATING COMMITTEE REPORT:

John Byl as outgoing President announced that Susan Topp would become Chair of the Section by operation of the By-Laws. The report of the nominating committee proposed Charles Barbieri as Chairperson-Elect; Christopher Dunsky as Secretary-Treasurer; Christopher Bzdok, Michael Cadwell, Anna Maiuri and Dustin Ordway for a second three-year term on the Council; Craig Hupp for his first three-year term on the Council and Jeff Haynes to fill the remaining term of Christopher Dunsky's term which expires in 2009. After nominations were closed, a motion to approve the nominating committee proposal was made, seconded and then unanimously approved by a voice vote.

4. STANDING COMMITTEE REPORTS:

A. Membership Committee.

A report by Dustin Ordway. Ordway informed members of the Section that Council has elected to waive dues or fees for students during the next year. This Section has the option under its current By-Laws to waive the annual fee requirement. A By-Law change to eliminate any due requirements for law students altogether has been deferred.

B. Program Committee.

A report by Kurt Brauer. He reported that approximately 50 persons attended the Section's State Bar program on September 27, 2007. John Byl praised the efforts of the speakers who in many cases were added at last minute because of conflicts affecting the schedules of the original speakers. Kurt Brauer indicated that programs for November 2007 and February 2008 would be planned.

C. Environmental Law Journal.

John Byl announced the winners of this year's Michigan Environmental Law Journal Essay Contest. Carolyn Krieger of Ave Maria Law School received top prize of \$2,000 for an essay on The Regulation of Ballast Water Discharges in the Great Lakes. Thomas J. Florip of Ave Maria Law School was awarded second prize of \$1,000 for his essay on the Moral Underpinnings of American Environmental Law Statutes: Did Sixties Revolutionaries Embrace Traditional Christian Values. Finally, Kevin Bernardo of Ohio State University received an award of \$500 for his essay on The Law of the Dunes.

D. Technology.

No report was made.

E. Desk Book Committee.

No report was offered.

4. SUBJECT MATTER COMMITTEE REPORTS

A. Air.

No report was offered.

B. Environmental Litigation Administrative Practice.

A report by Ernest Chiodo. Chiodo indicated that a discussion of vapor intrusion would take place in October-November and that presentations would be made at the University of Detroit Law School and Wayne State University.

C. Hazardous Substances.

Craig Hupp indicated that he would be planning a fall meeting with Charles Denton in the near future.

D. Natural Resources.

No report was offered.

E. Water.

Dennis Donohue reported that a joint program was being developed with the Grand Rapids Bar to discuss water assessment tools in October or November.

5. LIAISON REPORTS.

A. Real Estate Section.

Pat Paruch advised the Section that new chairs had been elected for the environmental energy subcommittee of the Real Estate Section. She further informed the Section that the Real Estate Section was developing a young lawyer program on basic real estate law, which would be conducted in December or January. She also indicated that a winter program would be held by her Section in Chicago.

6. CHAIRPERSON'S REPORT

John Byl mentioned Draft House Bills 4953 and 5037 which if passed would require payment of attorney fees if a private party is successful in litigation with the Michigan Department of Environmental Quality. The Section followed past practice and agreed that it would not deviate from its policy of neutrality and would not take any position regarding the legislation. Byl also recognized the outgoing members of the Council: Steve Huff, Joe Quandt, and Charles Denton. Plaques were distributed to these members for their service. Byl closed his term by thanking the Council members, committee chairs and the general membership for their assistance.

7. NEW CHAIRPERSON'S REPORT

Susan Topp praised and recognized John Byl for his service as President during the 2006/2007 year.

8. NEW BUSINESS.

None.

9. OLD BUSINESS.

None.

Meeting adjourned.

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