

## MEMORANDUM

**TO:** Litigation Section

**FROM:** David W. Centner, Secretary

**RE:** May 11, 2010 Litigation Section Council Meeting (telephonic)

**DATE:** May 26, 2010

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**Council Members present:** Dari Bargy, Thomas Cavalier, David Centner, Michael Donnelly, Steve Fox, Kyle Guthrie, David Moffitt, Sherry O'Neal, Gary Peterson, Bonnie Sawusch, Bernard Schaefer, Brittany Schultz, Gary Springstead.

**Council Members absent:** Evan Burkholder, Michael Butler, Michael Cooney, Albert Dib, Rita Lauer, Daniel McGlynn, Kristin McNelly, Marcy Tayler, James VandeWyngearde.

**Guests:** John Mucha (*ex officio*), Shel Stark (ICLE)

**Quorum:** A quorum was attained.

- I. **Call to Order.** Bonnie called the meeting to order at 5:35 p.m.
- II. **Approval of Minutes.** The minutes of the March 16, 2010 meeting of the Council had been previously approved by email vote on April 16, 2010.
- III. **Financial Report.** The Treasurer's Report was revised to change a comma to a period. A motion to approve the revised Treasurer's Report was made and carried unanimously. The report is attached.
- IV. **Special Report: Tax on Legal Services.** At the last meeting, Elizabeth Lyon, the State Bar of Michigan's Governmental Relations Director, discussed the status of pending legislation to impose a tax on legal services. The task of drafting the Section's position statement is being undertaken by the Legislative/Rules Committee and spearheaded by Mike Donnelly and Dan McGlynn. A draft of the Section's position statement will be circulated for comment by Bonnie during the next several weeks.
- V. **Committee Reports.**
  - A. **Programs Committee.** Shel Stark reported on the various programs put on by the

Section and ICLE.

**Masters in Litigation.** Shel reported that the recent Cybersleuth program was a great success. He stated that the next two programs have already been planned — the 9/23/10 program will be Robert Musante's "Attacking the Expert Witness."; the 3/24/11 program will be Thomas Mauet, "Trial Evidence: Artistry and Advocacy in the Courtroom."

**Deposition Workshop.** This May 2010 workshop was almost at capacity with registrants.

**Litigation Boot Camp.** The 9<sup>th</sup> and final session will be held on May 13, 2010 in Grand Rapids. Boot Camp participants will receive their certificates of completion, and gifts, purchased by the Section, will be given to faculty and students. Bonnie is on the faculty and will attend.

Bonnie reported that the Section and the ADR Section are continuing to work on the possibility of a joint program for the Annual Meeting.

- B. Nominating Committee.** Steve Fox is currently working on identifying candidates to file the two (2) openings we have on the Council. Steve's hope is that he will be able to present a member of the judiciary as one of the proposed candidates.
- C. Publications.** Dari reported that the Fall 2010 Newsletter deadline is August 15, 2010. The method of soliciting articles on a voluntary basis is proceeding well. Dari already has four articles for future newsletters. An issue worthy of discussion is whether the Council should have a requirement that each council member provide at least one article during his or her term, which could be written by that person or solicited from someone else.
- D. Public Service.** Tom reported that a meeting was held and objectives were established, to wit: (1) identify charitable events that the Section could participate in and work with the State Bar to increase Section participation, and (2) identify and fund worthy causes including pro bono legal service programs.

## **VI. Old Business.**

- A. Bylaws.** Bonnie will draft and circulate for comment proposed amendments to the Section's Bylaws. Any vote will be made at the Annual Meeting.

## **VII. New Business.**

- A. Gift.** A motion was made to provide Shel Stark with some type of recognition in connection with his departure from ICLE to honor his contributions to the Litigation Section. A motion was made and seconded to provide Shel Stark with a \$150 gift certificate to an Ann Arbor restaurant and an appropriate plaque recognizing his contributions. The motion was approved unanimously.
- B. Approval of Conference Expenses.** A motion was made and seconded to approve the Section paying for the expenses associated with Chair Bonnie Sawusch's attendance at the Litigation Section Summer Conference on July 30 and 31, 2010. This request is consistent with past practice. The motion was approved unanimously.

A motion was made and seconded to approve the Section paying for the expenses associated with Secretary David Centner's attendance at the State Bar of Michigan's 2010 Bar Leadership Forum on June 11 and 12, 2010. This request is consistent with past practice. The motion was approved unanimously.

**VIII. Adjournment and Final Comments.** The Meeting was adjourned at 6:25 p.m. The next meeting will be held in conjunction with and during the Litigation Section Summer Conference scheduled for July 30 and 31, 2010 at the Homestead Resort in Glen Arbor, Michigan. All Litigation Section Council members are strongly encouraged to attend.