

MEMORANDUM

TO: **Litigation Section Council**

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

RE: **November 24, 2009 Telephonic Council Meeting Minutes**

Council Members Present: Dari Craven Bargy, Michael Butler, Thomas Cavalier, David Centner, Michael Cooney, Albert Dib, Michael Donnelly, Stephen Fox, Kyle Guthrie, Rita Lauer, Daniel McGlynn, Kristen McNelly, David Moffitt, Gary Peterson, Bonnie Sawusch, Bernard Schaefer, Gary Springstead, and James VandeWyngearde.

Council Members Absent: Evan Burkholder, Sherry O’Neal, Brittany Schultz, Marcy Tayler

Others present: John Mucha (Ex officio) and Shel Stark (ICLE).

Quorum: A quorum was attained.

I. Call to Order.

II. Approval of Minutes. All minutes were previously approved, so no additional approval or action was required regarding meeting minutes.

III. Financial Report. Treasurer Dari Craven Bargy provided the Treasurer’s Report. The Section started the fiscal year with an account balance of approximately \$92,000. The Treasurer also offered the proposed 2009-2010 Budget and discussed the highlights, which are consistent with past expenses. A motion to approve the proposed budget was made and seconded. The motion to approve the proposed 2009-2010 Budget was carried by a unanimous vote.

IV. Chair’s Report. Chair Bonnie Sawusch reported on a number of items:

Access to Justice: The previously approved \$10,000 donation to the Access to Justice Fund was made and was very well received. Additional publicity regarding this donation is in process.

Cooley Law School: David W. Centner and Stephen Fox reported on their presentations at Cooley Law School on October 21, 2009. The event was poorly attended, although this may have been a result of the fact that this was the first year that the program was conducted. The Council agreed to participate in a similar program at the school’s Auburn Hills location, and that the attendance of one member of the Council would be sufficient. Steve Fox is continuing to discuss with Cooley opportunities for our Section to participate in future programs.

Bylaws: The Litigation Section’s Bylaws must be changed before the annual meeting if any changes are warranted.

Council Roster: As Secretary, David W. Centner maintains the official Roster. Changes or corrections can be emailed to him at dcentner@clarkhill.com.

High School Mock Trial: A donation to this program was discussed. In past years, we have donated \$3,500. A motion was made to donate \$3,500 again this year. The motion was seconded and approved.

V. Committee Reports

PROGRAMS

Masters Series: Shel Stark reported on this program. The goal is to present two national speakers, usually in March and October. Programming in progress.

Summer Conference: Shel Stark reported that ICLE's negotiations have been finalized with The Homestead. We need to be out of the seminar room by 2:45 p.m. The dates are July 30-31, 2010. The agenda has been circulated. The speaker is Prof. James W. McElhaney, one of the most highly regarded speakers and authors on litigation practice in the United States.

MDTC. The Section received a request to participate as a donor at the MDTC annual conference in the Flint/Bay City area on Courtroom Performance which will be held in May 2010. The requested donation was \$2,000 and access to our membership list. Discussion was held regarding benefits to the Section. Bonnie will find out more and send it out by email.

Litigation Boot Camp. Shel Stark reported on this program. It consists of nine sessions commencing September 2009. Past attendees: 687 in Grand Rapids and 1499 in Plymouth. ICLE still has \$2,000 on hand for graduation gifts, which is enough. ICLE will conduct a survey regarding the interest in Litigation Boot Camp II.

Deposition Skills Workshop. The Section will be a co-sponsor with ICLE.

NEWSLETTER COMMITTEE. Dari reported that January 15, 2010 is the article deadline for Winter 2010. David Moffitt has expressed interest in writing an article. Dari will circulate article guidelines. An issue for future discussion is whether the Section's Newsletter should go digital exclusively.

LEGISLATIVE COMMITTEE: Topics of interest include: MCR 2.412 mediation, health care reform legislation, election records, negligence topics including the open and obvious doctrine

NOMINATING COMMITTEE: Steve Fox has informational materials on all Council members, which may be circulated to all members in the future.

VI. Old Business.

None.

VII. New Business.

A. The Future.

1. More involvement and interaction between Council and Section members.
2. Proactive involvement.
3. Legislative issues, court rules, statutes, other areas of interest.
4. Increase involvement of committees.

B. Legislative Committee

Mike Connelly, Dan McGlynn, Mike Butler, Gary Patterson, and David Moffitt will get together regarding court rules. Amicus brief opportunities will also be handled by this committee, although it was acknowledged that it may be difficult to take a position as a Section for political reasons, plaintiff versus defense, etc. What is proper role of the Litigation Section in amicus briefing? We discussed whether we should ask Section members regarding which MCR they have problems with and why?

C. Nominating Committee

January 2010 meeting. Identify and nominate members.

D. Publications

1. Website.
2. Add actual resources
3. Generate ideas
4. Dari Craven Bargy, Mike Butler, David Moffitt, and Steve Fox indicated an interest in participating on this committee.
5. People need to offer to help.

E. Public Service (proposed committee)

1. Look for opportunities.
2. Donate money.
3. Tom Cavalier and Jon Mucha indicated an interest in this committee.

VIII. Adjournment: The meeting was adjourned at approximately 6:50 pm. The next meeting will be held via conference call on **January 19, 2010 at 5:30 p.m.** The conference call number is **800-270-1153 and enter Passcode 120544#.**