

MEMORANDUM

To: Secretary, State Bar of Michigan
From: Kevin J. O'Dowd, Chair, Litigation Section
Re: 2004-05 Litigation Section Annual Report
Date: May 13, 2005

Dear Secretary,

As Chair of the Litigation Section, it is my privilege to report on our Section's Activities for the 2004-05 year. Our officers and council members are most proud of our accomplishments this past year, and with help of some additional strategic planning activities set for this Fall, we are confident that our Section will remain strong into the future.

I. Financial

Our Section is very strong financially. Per our most recent treasurer's report, as of March 31, 2005, the Section has total revenues of \$53,485 and a balance forward of \$49,490.67, for a total cash in account of approximately \$102,975.00. A copy of our Section's Budget for October 1, 2004 through September 30, 2005 is attached. The Section's projected surplus/balance, after deducting the budgeted items for the year, is approximately \$29,370.00, and the actual figure is expected to be higher based upon additional expected revenue that will set-off certain budgeted expenses (i.e. registration revenue from the upcoming summer conference). Thus, based on current projections, the Section should remain in strong financial condition as it moves into the next annual term. The continuing strength of the Section's financial condition has also enabled the Council to continue its contributions to Access to Justice, High School Mock Trial Program other charitable organizations bearing a nexus to the State Bar Litigation Section.

II. Programs

A. Summer conference

Since its inception approximately ten years ago, the Litigation Section has developed a tradition of hosting quality summer conferences at various Northern Michigan resorts which are consistently educational, motivational and family friendly. They also provide a unique opportunity for litigators and Judges across the State of Michigan to socialize in a relaxed setting. This year's summer conference, scheduled for July 15-17, 2005 on Mackinac Island will continue this fine tradition. This year's

summer conference also marks a new partnership between the Litigation Section and ICLE in regards to the summer conference, and with ICLE's administration and marketing assistance, this year's summer conference is sure to be a success.

This year's program, being held at the elegant Grand Hotel, features Chief Judge William Young (U.S. Dist. Ct. of Mass.) on "*The Practical Arts of Trial Advocacy – Strategic, Tactical and Personal Considerations*," followed by a distinguished panel discussion (Judges Marianne O. Battani, David M. Lawson and Gordon J. Quist) on *How Great Trial Lawyers Turn Weaknesses into Strengths and Carry the Day* and, conversely, *Great Mistakes and Self-Inflicted Wounds by Trial Lawyers that Cause Defeat*, providing concrete examples gleaned from their observations on the bench. Our council members are proud to be partnering with ICLE to host such a wonderful program.

B. Masters in Litigation Seminar Series

The Litigation Section has for several years partnered with ICLE to host several educational seminars targeted to experienced litigators, popularly known as the *Masters in Litigation* series. These programs are frequently hosted at St. John's Conference Center in Plymouth, and this year's programs have been enjoying record and, in some cases, sell-out attendance. The *Masters in Litigation* programs kicked off this year with *Lessons Learned from the Trials of the Century*, followed by *Advanced Cross-Examination: How to Dominate a Courtroom*, featuring Larry Pozner and Roger Dodd, and most recently, by *Practical Evidence: You Can't Win Without It*, which featured several prominent attorneys as speakers. Judging by the attendance and feedback received, these programs continue to be a great success, and our Section is proud to be a co-sponsor of these programs with ICLE. These programs are also very affordable and provide a great service to our Section members.

III. Publications

The Litigation Section continues to put out seasonal newsletters of consistent quality to our Section members. Last Winter's newsletter was dedicated to the subject of mediation, featuring several articles from prominent attorneys who practice in this area, including former State Bar of Michigan President, Jon Muth. The Fall newsletter featured articles on the subject of *Daubert* and on the subject of *Brainstorming Ways to Win Corporate Litigation: 101 Strategies*. While the Section has given some consideration to whether the newsletter should be sent electronically as opposed to hard-copy mailings, the section newsletter continues to receive very positive feedback, and also provides a useful means of notifying section members of upcoming activities.

IV. Rules and Legislative Committee

The Litigation Section recently adopted a Procedure for Adoption of Position on Statements on Rules and Legislation, published in the Winter newsletter, which is designed to comply with recent rules and directives issued by the Michigan Supreme

Court and the State Bar. With this new procedure in place, it gives Litigation Section members the opportunity to request the Litigation Section Council to take an official position regarding proposed rules and legislation of interest to litigators. The Section's subcommittee on rules and legislation has been increasingly active in view of these new developments and has reviewed and made recommendations to the Section regarding various proposed court rule changes and legislation, including recent proposed changes to the Professional Rules of Conduct and other matters of interest to Section members.

V. Strategic Planning Committee

The Litigation Section has recently formed a strategic planning committee to help plan and organize a strategic planning session coinciding with the annual State Bar meeting in the Fall. This program afford council members and other interested section members an opportunity to evaluate the types of activities and programs in which the Section has concentrated its efforts in recent years, and to explore possible new areas of interest to better serve section members. The Section has approved a budget for the strategic planning session, which will include a catered lunch for participants and will be conducted by a professional facilitator. Tentatively, the Section is planning on hosting the strategic planning session on Friday, September 23, 2005, and the Council looks forward to receiving feedback on how it can expand and improve upon the services provided to section members.