



June 2, 2004

City of
**BATTLE
CREEK**
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Secretary of the
State Bar of Michigan
Michael Franck Building
306 Townsend Street
Lansing, MI 48933-2083

Attention: Ms. Kimberly M. Cahill

Re: Public Corporation Section of the Bar Annual Report

Dear Ms. Cahill:

As required by State Bar By-Laws of Michigan, Article VIII, Section 1, I am pleased to submit the 2003-2004 Annual Report for the Public Corporation Law Section.

The primary mission of the Section is the education of its members. Over the past year, thanks in large part to the efforts of Daniel Dalton, the Public Corporation Law Quarterly was timely issued and addressed such diverse topics as an update on governmental immunity, issues faced by law enforcement officials with the Health Insurance Portability and Accountability Act (HIPAA).

In addition to the Public Corporation Law Section Quarterly, the Section sponsored two seminars. For the fifth year in a row, the Section co-sponsored with the Michigan Association of Municipal Attorneys, a summer seminar on Mackinac Island. The highlight of the event were the remarks of the University of Michigan Law School Dean Evan Caminker's remarks on the United State Supreme Court's decision in Grutter v Bolinger, issued just days before he spoke with us.

The Section also presented its annual Winter Seminar, which, though usually held in February, was this year held in April at the Henry Ford Museum in Dearborn. The Seminar, co-chaired by Debra Walling, Carol Rosatti, and Mary Fales, began at Lovett Hall, and updated attendees on condemnation law in light of the pending Michigan Supreme Court review of the Poletown case, issues concerning the review of cell tower placement, and the spate of recent actions across the State challenging cable television franchise fees collected by the municipalities. However, in mid-morning, due to a water main break, the group adjourned across the street to the Henry Ford Conference Center to finish the Seminar. The highlight of the afternoon was a case study of a proposed

residential and commercial use project proposed by a church. The process was addressed from perspectives of attorneys for the development, the municipality and planning consultants. This hands-on mock presentation received the accolades of the attendees.

In addition to education of its members, the Section engages in advocacy on issues important to municipalities and governmental agencies. In this vein, the Council authorized Gerald Fisher to file an amicus brief on behalf of Wayne County in the matter of Wayne County v Hathcock, now pending before the Michigan Supreme Court. This is the case where the Supreme Court is revisiting its holding in Poletown v Detroit, 110 Mich 616 (1981). This case has attracted national attention from various points of view along the political spectrum concerning the ability of a public agency to condemn personal property for a public purpose.

In closing, I would like to thank those members of the Section who have participated as members of the council, or who generously gave of their time and effort to make presentations at the seminars or submit articles to the Public Corporation Law Quarterly publication. Without those efforts, the job of the Chairman is made much harder and the mission of the Section to educate its members is impossible to achieve.

Very truly yours,



Clyde J. Robinson

CJR/emw