

State Bar of Michigan Labor and Employment Law Section

Minutes of Council Meeting April 8, 2013

A meeting of the Council of the Labor and Employment Law Section of the Michigan Bar Association was held on April 8, 2013 in Bingham Farms, Michigan. The meeting was chaired by Timothy Howlett, Council Chair.

PRESENT: Timothy Howlett, Robert Boonin, Brian Koncius, Jeffrey Steele, Richard Mack, Gary Francis, Susan Hiser, Gloria Hage, Gail Cober, John Runyan, Jeffrey Fraser, Michael Shoudy, Joseph Giralomo and Jennifer Salvatore.

ABSENT: Daniel Swanson and Sam Morgan.

AGENDA: No changes to the Agenda were made.

1. **MINUTES:** The Minutes for the Council's March 11, 2013 meeting were APPROVED as read. (Motion by John Runyan; Second by Brian Koncius)
2. **TREASURER'S REPORT:** Brian Koncius distributed financial reports received from the State Bar. The Section's finances continue to be sound.
3. **CHAIR'S REPORT:**
 - a. The Chair commented that the April 2013 ICLE Employment Law Institute was well attended and that many current and former Council members presented at the conference, reflecting ongoing and strong support of the Institute by the Council. Stephanie Stenberg of ICLE will attend the next Council meeting to debrief the Council in detail as to the event and also discuss plans for future Institutes. The Chair also noted that an announcement was made and forms were distributed to inform non-lawyers of their ability to join the Section.
 - b. The Council was briefly updated about the seminar being developed by the Macomb County Bar Association and Cooley Law School. The seminar will likely be held in October or November 2013. More information will be provided by Dan Swanson at the Council's next meeting. Concerns were raised about the Section offering too many programs and sponsoring programs which may compete with those offered by the Section.
 - c. The Chair has submitted the paperwork confirming the Section's sponsorship of the Young Lawyer Summit. For the Section's sponsorship, the Section will be able to send a communication to the members of the Young Lawyer's Section about the Springboard event.

- d. As approved by the Council members through an informal polling, the complimentary registration to the ICLE Employment Law Institute provided to the LELS due its sponsorship of the Institute was extended to a member of the EEOC's staff in recognition of the Detroit Office's outreach and participation in the Section.
 - e. The annual State Bar's Mackinac Leadership Conference will be held in June. The Conference is designed for training in-coming section and specialty bar association chairs. The Chair moved for the Section to pay the expenses of the Vice-Chair's attendance at the Conference. The motion was seconded by John Runyan. APPROVED.
 - f. An Annual Report for the Section is due to be filed by the Chair with the State Bar in May, as requested by the State Bar.
 - g. The American Arbitration Association has asked the Council if it could promote an AAA webinar series to the Section's members via an email to be sent to the members. AAA would pay any costs associated with the email. A motion was made by John Runyan to permit the email to the membership via the State Bar. The motion was seconded by Richard Mack. APPROVED.
4. **MID-WINTER MEETING:** Jeffrey Steele reported that the Detroit Athletic Club has confirmed that it can accommodate hosting the Section's Mid-Winter Meeting on one day, January 24, 2014, if the Council chooses to hold the meeting on one day (afternoon and evening) instead of two. Jeffrey also noted that the cost of holding the conference on one day may be slightly less since a breakfast would not be required.

As to the 2013 conference, he reported that in prior years plaques were provided to recipients of the Distinguished Service Award and that the cost of providing one to this year's recipient would cost \$108. A motion was made by Jeffrey Steele, and seconded by Gail Cober, to have a plaque prepared for Joseph Golden. APPROVED. Jeffrey Steele will follow-through on obtaining the plaque.

Also with respect to the 2013 conference, the confusion over the charges for valet parking was resolved.

A motion was made by Jeffrey Steele, and seconded by John Runyan, to authorize Jeffrey Steele to sign a contract with the Detroit Athletic Club for the 2014 Mid-Winter Meeting, to be held on January 24, and if needed, January 25, 2014, provided the rates charged are similar to those charged for the 2013 conference. APPROVED.

5. **NON-LAWYER MEMBERSHIP COMMITTEE:** Susan Hiser reported that two applications for membership were received during the past month: 1) Dawn Leone of the Chippewa Valley School District; and 2) Sharon Taylor, President of OPEIU Local 459 (Lansing). A motion was made by Susan Hiser, and seconded by Jennifer Salvatore to

approve these applicants' submission to the State Bar for processing their membership applications. APPROVED.

Discussion was held regarding whether non-lawyers becoming members late in the membership year should have their fee discounted for the partial year membership. No action was taken on that concept.

It was also noted by Joe Girolamo that the Labor and Employment Relations Association (Detroit and Lansing Chapters) may have members interested in also becoming non-lawyer members of the Section. The Chair and Joe Girolamo will explore this further.

Susan Hiser also reported that once non-lawyers are approved for membership, there is not a current method to notify them that their applications have been approved other than the bill they later receive from the State Bar. It was recommended that the Chair send them a letter advising them that their applications have been approved. Susan Hiser will prepare a sample template for the Chair's use.

6. **WEST-SIDE EVENT:** Jeffrey Fraser reported that approximately 50 attorneys attended the March 12, 2013 event at the University Club in Grand Rapids, during which presentations were made by a panel on the Right-to-Work laws. The Section was a co-sponsor of this event, with the Grand Rapid Bar Association.
7. **SPRINGBOARD EVENT:** The Committee's Report was made by Brian Koncius and Susan Hiser. The event will take place at the Big Rock Reserve in Birmingham on June 6, 2013, with the program to run from 4:00-6:15, and a reception continuing until 8:00 PM. The program and facilitators are virtually finalized. There will be three table topics with three tables per topics. The topics will be facilitated by EEOC staff. The topics are: 1) Intake and Investigation; 2) Conciliation and Mediation; and 3) Litigation by the EEOC. The first e-blast will be sent to Section members in mid-April, with more detailed emails and hard mailings to follow. The fee is \$50 for advance registrants, and \$60 at the door, but only \$30 for those who became members this year.
8. **ANNUAL MEETING:** Gloria Hage reported that planning for the meeting is underway and is scheduled for 2:00 PM on Thursday, September 19, 2013 in Lansing. There will be two parts to the program. One will be a panel of judicial clerks to discuss how cases are handled behind the scenes. A number of possible trial and appellate clerks or former clerks are being considered, and there may be two sub-panels for the program: one for trial court clerks, and the other for appellate court clerks. The other main presentation will be on some of the key employment implications of the new healthcare rules coming into effect over the coming year.
9. **MEMBER SURVEY:** The Committee (Robert Boonin, John Runyan and Michael Shoudy) reported that they have developed a draft of a survey instrument and will be meeting to refine it in light of feedback received from Anne Vrooman of the State Bar. A final instrument should be ready in by mid-April. The cost of the conforming the survey for State Bar distribution will cost up to \$200, and entail two e-blasts at \$75 each. The draft form was

shared with the Council and feedback, if any, is to be provided to the Committee by April 15th. If the survey is sent out in mid-April, the survey results will likely be available by early May. A motion was made by John Runyan and seconded by Robert Boonin to approve the expenditures of \$200 State Bar fee and \$150 for the eblasts, and for the Committee to finalize the form for the State Bar to send out in April. APPROVED.

10. NEW EVENT COMMITTEE: Gary Francis reported that the plans for a program aimed at new employment law practitioners is gelling. The concept is to discuss the “Anatomy of a Case from a Plaintiff and Defense Attorney Perspective.” Josh Linkler was approached as a possible speaker, but that does not appear likely. The Committee is considering having a marketing consulting Dan Swanson knows to speak about the business development aspects of the practice. The program will likely be held on October 1 or 2 at the Emagine Theater or the Iroquois Club. Further planning, including pricing, will be addressed by the Committee soon.

11. NEW BUSINESS: The EEOC asked if could distribute fliers regarding its pro bono program at the Section’s Annual Meeting. The consensus was that it should feel free to do so.

NEXT MEETING of the Council will be held at noon on May 13, 2013 at the new offices of Sommers Schwartz at One Towne Square, Ste. 1700, Southfield, Michigan.

The meeting adjourned at 1:20 PM.

Respectfully submitted,

Robert A. Boonin
Acting-Secretary