

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Bar Year: 2014-2015

Section Name: Appellate Practice

Report Prepared by: Nancy Vayda Dembinski, Chair

Mission Statement: The purpose of the Appellate Practice Section is to promote the skillful, efficient and effective practice of appellate law. The Section promotes the legal education of members of the Bar and the public concerning appellate law practice. The goal of the Section's activities is to advance the administration of justice in the appellate courts so that the Bench and Bar may better serve the public interest.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Nancy Vayda Dembinski	Farmington Hills	(248)476-6900	ndembinski@lmdlaw.com
Chair-Elect	Beth A. Wittmann	Detroit	(313)965-7405	beth.wittmann@kitch.com
Secretary	Gaetan Gerville-Reache	Grand Rapids	(616)752-2207	greache@wnj.com
Treasurer	Stephanie Simon Morita	Farmington Hills	(248)489-4100	smorita@jrsjlaw.com

Member	Term	Member	Term
Anthony F. Caffrey, III	9/30/15	Judith A. Curtis	9/30/15
Barbara H. Goldman	9/30/15	Ronald S. Lederman	9/30/15
Bridget Brown Powers	9/30/15	Larry J. Saylor	9/30/15
Graham K. Crabtree	9/30/16	Lauren DuVal Donofrio	9/30/16
Richard C. Kraus	9/30/16	Gerald F. Posner	9/30/16
Joanne Geha Swanson	9/30/16	Geoffrey M. Brown	9/30/17
Conor B. Dugan	9/30/17	Mark J. Magyar	9/30/17
Marla R. McCowan	9/30/17	Ann M. Sherman	9/30/17
Elizabeth L. Sokol	9/30/17	Liisa R. Speaker	Ex Officio
Phillip J. DeRosier	Ex Officio	Jill M. Wheaton	Ex Officio
Hon. Michael J. Riordan	Comm. Liaison		

Council Meeting Schedule:

Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Annual	9/18/14	Grand Rapids
Monthly	10/17/14	Novi
Monthly	11/21/14	Detroit
Monthly	12/19/14	Conference Call
Monthly	1/16/15	Detroit

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Special	1/23/15	Conference Call
Monthly	2/20/15	Lansing
Special	3/2/15	Council ListServ
Monthly	3/20/15	Detroit
Monthly	4/17/15	Grand Rapids
Monthly	5/15/15	Petoskey
Special	5/21/15	Conference Call
Monthly	6/17/15	Brighton

General Budget Information: On 5/15/15, the Section Council adopted a five year rolling budget to assist with the Section's financial planning. The budget was based on the Treasurer's detailed analysis presented to Council of the Section's past and anticipated future revenues and expenditures. The Section's Year to Date Activity through 4/30/15 is:

Beg. Balance: \$18,459.87
Revenue: \$18,450.00
Expenses: \$ 9,994.23
End Balance: \$26,915.64.

Events and/or Seminars:

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
Preserving and Presenting the Record on Appeal	9/18/14	Grand Rapids
The Virtual Law Office	10/17/14	Novi
Appellate Advocacy in the Sixth Circuit Court of Appeals (sponsor with Federal Bar Association, ED of Mich Chapter)	2/19/15 (cancelled due to weather; rescheduled date TBD)	Ann Arbor
50 th Anniversary of the Court of Appeals (sponsor)	4/30/15	Lansing
20 th Anniversary of the Appellate Practice Section	6/17/15	Brighton

The Council also enjoyed a presentation and discussion about the new e-filing provider in the Michigan Court of Appeals and Supreme Court, by members of the staff of those courts, at the February 2015 monthly meeting, which occurred at the Hall of Justice in Lansing, MI.

Legislative issues: None.

Court Rules/Policy Positions:

Comment on ADM 2013-36 – Proposed Amendments of Subchapter 7.300 of the Michigan Court Rules. Council voted unanimously to support the Court's efforts to clarify the 7.300 rules and conform to the organization of the 7.200 rules, but had certain suggestions for proposed changes to MCR 7.305(A)(2), MCR 7.305(F), MCR 7.307(B), MCR 7.312(D)(2), and MCR 7.312(G).

STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

Comment on ADM 2014-09 – Proposed Amendment of MCR 7.215. Council voted unanimously to oppose the proposed changes to MCR 7.215(C), regarding treatment of unpublished Court of Appeals opinions, for the reasons stated in Justice Markman’s partial dissent to ADM 2014-09, and because the overbreadth and vagueness of the language and concerns about the effect on appellate advocacy. Four volunteer Section members met with the Court of Appeals Rules Committee to discuss the proposed amendments. Council offered alternative suggested language for MCR 7.215(C) in its position letter to the Michigan Supreme Court.

The Section is currently working on:

Comment on ADM 2013-25 – Proposed Amendment of MCR 7.209 relating to stay of proceedings and stay bonds.

Committee Reports:

Court Liaison/Rules Comment – The committee analyzed and advised Council on the proposed amendments of (1) subchapter 7.300 of the Michigan Court Rules (ADM 2013-36), and (2) MCR 7.215 (ADM 2014-09). Several members of the committee also met with judges from the Court of Appeals Rules Committee to discuss the proposed amendments of MCR 7.215, and the committee drafted suggested alternative language addressing the use of unpublished opinions. Finally, the committee prepared draft comment letters on both sets of proposed amendments.

Michigan Court Rules Practice – The committee submitted proposed court rule suggestions on MCR 2.315, and monitored other proposals still pending, such as delayed application rule.

Publications – The committee worked to publish three issues of the Section Newsletter, including a fourth spring/summer edition to be distributed prior to the annual meeting in October 2015. The committee worked with the State Bar of Michigan to analyze how it may best serve our Section members with regard to print and/or electronic publications, while also keeping the expenses of these options in mind. Newsletters are available on the Section’s webpage.

Technology – The committee examined the possibility of converting intra-section communications for both the Section and Council listservs to the SBM Connect discussion board. The committee also added comment to the discussion on the new e-filing provider in the Court of Appeals and Michigan Supreme Court, and administrators for those Courts were present to discuss the same at the Section Council’s February 2015 meeting in Lansing. The committee is also investigating into different providers for the Section’s conference call-in number, seeking improvement of meeting call-in communication reliability.

Federal Practice – The committee analyzed and advised Council on the proposed amendments to the Federal Rules of Appellate Procedure, including the proposed amendments to brief word counts.

Legislative Action – The committee continued to follow legislation related to or affecting appellate practice and advised Council on same.

STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

Good Deeds – The committee coordinated volunteers to distribute food for the Jefferson Avenue Presbyterian Church shelter week, which the church unfortunately had to cancel for unrelated reasons. The committee also worked to recruit donations for purchasing healthy snacks and beverages for 8th graders at the Academy of the Americas in Detroit, who were traveling to Washington D.C. The committee will also be seeking volunteers to host a dinner for the Ronald McDonald House in Detroit in June 2015. This has become an annual tradition for the Good Deeds Committee.

Economics of Appellate Practice - The committee presented and hosted a seminar at the Suburban Collection Showplace in Novi in October 2014, entitled “The Virtual Law Office.” The seminar had a very engaged audience and knowledgeable panelists. The Clerk of the Michigan Court of Appeals also presented on the topic of the change in e-filing providers in that Court, as well as the arrival of e-filing in the Michigan Supreme Court.

Bench Bar Conference Liaison- This committee continued to meet as it worked with planning the upcoming Michigan Appellate Bench Bar Conference, scheduled for April 20-22, 2016 at the St. John’s Inn and Conference Center in Plymouth, MI.

Ad Hoc Committee on Probate Appeals – The committee continued to work with and/or monitor draft legislation pertaining to probate appeals, as well as issues involving adoption appeals on the Court of Appeals website.

Recommendations for next Council: The adoption of the rotating Section Council meeting locations has benefitted members who would otherwise have to travel greater distances to attend a Council meeting, particularly members in Lansing and Grand Rapids, and this year, in Northern Michigan/Petoskey. The rotating locations also allow the opportunity for members of the bench and/or court staff to attend a meeting that is more local for them. The Council enjoyed an excellent relationship this year with members of the appellate courts bench and staff, which hopefully benefited all involved.

The adoption of the five-year rolling budget this year is expected to assist with financial planning for future Appellate Practice Section officers, council, and members.

Reports must be submitted before May 31, 2015 to:

Jennifer Williams
Administrative Assistant
306 Townsend Street, Lansing MI 48933
Email: jwilliams@mail.michbar.org
Phone 517-367-6421 Fax: 517-482-6248