

State Bar of Michigan | 2016–2017

Article VIII §1, Bylaws of the State Bar of Michigan

Every Section and State Bar entity so directed by the Board of Commissioners or Representative Assembly shall annually make a written report containing a summary of its activities during the association year which shall be submitted to the Secretary on or before May 31. Annual reports may not exceed five 8 1/2" x 11" pages unless a waiver of this limitation is approved by the Executive Director.

Appellate Practice Section

Chair

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Term Ending: 2017

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P54818 Christina A. Ginter, Detroit
P64957 Lauren M. London, Ypsilanti
P75090 Mark J. Magyar, Grand Rapids
P28165 Larry J. Saylor, Detroit
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Term Ending: 2018

P37150 Anne L. Argiroff, Farmington Hills
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P46290 Barbara H. Goldman, Southfield
P68924 Bradley R. Hall, Lansing
P70902 Joseph E. Richotte, Bloomfield Hills
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Term Ending: 2019

P33231 Scott G. Bassett, Portage
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P43980 Hon. Michael J. Riordan, Detroit

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P49921 Jill M. Wheaton, Ann Arbor
P54144 Nancy Vayda Dembinski, Farmington Hills
P63233 Beth A. Wittmann, Detroit

**STATE BAR OF MICHIGAN
SECTION ANNUAL REPORT**

Council Meeting Schedule:

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

Meeting Type	Date	Location
Regular	06/15/16	Brighton
Annual	09/22/16	Grand Rapids
Regular	11/18/16	Novi
Special	12/02/16	Council Listserv
Regular	12/16/16	Conference Call
Regular	01/20/17	Southfield
Regular	02/17/17	Farmington Hills
Regular	03/17/17	Lansing
Regular	04/21/17	Grand Rapids
Regular	05/19/17	Petoskey
Special	05/26/17	Council Listserv

Addendum Information: Please list any addendums attached.

Events and/or Seminars:

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

Event or Seminar Title	Date	Location
Stay of Execution: Protecting the Client Pending Appeal	09/22/16	Grand Rapids
Economics of Appellate Practice: Court-appointed Appeals	11/18/16	Novi
Michigan Supreme Court Historical Society	04/20/17	Detroit

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Legislative issues:

None

Recommendations for next Council:

Judges on the Court of Appeals are keenly interested in updating the briefing rules to improve readability and advocacy in the court and take advantage of the new e-filing technology; the Council should continue efforts to develop rule amendments. On another note, the rotation of meetings to various parts of the state continues to serve the Section well by providing greater access to Section members and increasing participation in the Council across the state. And Petoskey continues to be a popular venue for the May meeting.

Other Information:

See Addendum

Reports must be submitted before May 31, 2016 to:

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

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e-mail form

Appellate Practice Section of the State Bar of Michigan Addendum to 2016-2017 Annual Report

Events and Seminars: A summary of the Economics of Appellate Practice Seminar is attached.

Legislative Issues: None.

Court Rules/Policy Positions:

- Recommendation to the Board of Commissioners on ADM File No. 2016-32 – Proposed Amendments to MCR 5.801, 5.802, 7.102, 7.103, 7.109, 7.202, 7.203, 7.205, 7.208, 7.209, 7.210, 7.212, and 7.213 (Probate Appeals Amendments): The Council advised the State Bar of Michigan Board of Commissioners that the amendments be supported with a recommendation for two minor amendments: (1) Replace the reference to MCR 5.801(B) with MCR 5.801(A) in the amendment to MCR 7.202(6)(a)(vii), and (2) Combine the proposed MCR 7.202(6)(vi) with the existing MCR 7.202(6)(i) to avoid duplication. The Board of Commissioners adopted the Council's recommendations and submitted included it in their comment to the Michigan Supreme Court.
- Recommendation to the Board of Commissioners on ADM File No. 2015-02 – Proposed Amendment to MCR 7.213 (Mediation): The Council recommended to the Board of Commissioners that the rule amendment should be revised to specifically exclude domestic relations appeals. The Board of Commissioners adopted the Council's recommendation and reported it to the Michigan Supreme Court in its comments on the proposed amendment.
- Comment on ADM File No. 2014-25 – Proposed Amendments to MCR 7.306 and MCR 7.316: The Council commented to the Michigan Supreme Court that mediations in the Michigan Supreme Court should exclude domestic relations cases, for the reasons stated in the previous position taken with regard to ADM File No. 20-15-02; the Council also echoed the concerns stated by Justice Markman in his concurring comments in the Order about the impropriety of ordering mediation in appeals to the Michigan Supreme Court; and, if a case were ordered to mediation, requested that the Court heed to the mediator's recommendation(s) with regard to tolling or extending deadlines.
- Comment on SCAO Form CC 265 (Request for Appellate Counsel): The Council commented to the Supreme Court Administrative Office that it supports the proposed revisions to this form, for the sake of simplifying and clarifying the process for indigent defendants to seek court-appointed counsel on appeal. The Council was also in accord with the Michigan Appellate Assigned Counsel System's reasons for supporting the amendment.

Publications: The Section published three issues of the Appellate Practice Section Journal this term. The winter and fall editions are printed in a traditional manner, but the combined spring/summer edition is electronic-only in an effort to reduce costs. The committee's goal is to include at least two featured articles in each Journal, along with recurring columns: From the

Chair (by Gaëtan Gerville-Réache); Cases Pending Before the Supreme Court After Grant of Oral Argument on Application (by Linda M. Garbarino); Meet the Judge(s) (by Ann M. Sherman and Conor B. Dugan); Selected Decisions of Interest to the Appellate Practitioner (by Barbara H. Goldman); and Recommended Reading for the Appellate Lawyer (by Mary Massaron).

Other Activities/Events:

Court Rules - The Council has approved proposed amendments to MCR 7.209 to clarify the authority of trial courts to stay enforcement of money judgments without a bond, which will soon be submitted to the State Bar as a proposed policy position and then to the Michigan Supreme Court for consideration if not inconsistent with the State Bar's position.

Good Deeds - The Section sponsored a volunteer event at the Gleaners Community Food Bank warehouse in Detroit. Participating with other groups of volunteers from all over the city, appellate lawyers (and family members) worked in teams to fill orders of packaged food items for distribution to Gleaners' partners. Gleaners operates distribution centers in five counties, providing perishable and non-perishable food items to over 500 soup kitchens, food pantries, shelters and other hunger relief agencies throughout southeastern Michigan.

Michigan Supreme Court Historical Society Luncheon – The Section sponsored a table at the annual fundraising luncheon for the MSC Historical Society in recognition of the importance of preserving the history of our highest appellate court.

Ad Hoc E-Briefing Committee - The Section has assembled a dedicated group of Section members to address the readability, accessibility, and technological issues that have arisen and are expected to arise as a result of recent developments in e-filing. The advent of electronic filing and continuing developments in this area of our practice, both in terms of filing and online access to lower court records, continues to be a topic of great interest to the Section and appellate judiciary. Members of the judiciary in particular have expressed great interest in receiving a recommendation from the Council for rules that will take the most advantage of the new technology to improve the administration of justice in the appellate courts. The Committee's ultimate objective is to recommend rules changes to the Council that will accomplish this end.