

**Minutes: Appellate Practice Section Council Meeting
Friday, February 15, 2019, at 2:00 pm.**

Speaker Law Firm
819 N Washington Ave
Lansing, MI 48906-5135

Attendance:

Present:

Bridget Brown Powers, Chair
Bradley Hall, Chair-Elect
Stephanie Morita Simon, Treasurer
Anne Argiroff, Secretary
Judge Amy Ronayne Krause (Court of Appeals)
Larry Royster, Clerk, Michigan Supreme Court
Jerry Zimmer, Clerk, Michigan Court of Appeals
Graham Crabtree
Barbara Goldman
Paul Hudson
Jonathon Koch
Richard Kraus
Jerry F. Posner
Joe Richotte
Ann Sherman

Excused:

Phil DeRosier
Mark Magyar

Ex-Officios and Former Members Present:

Nancy Dembinski
Liisa Speaker

Present By Phone:

Scott Bassett
Drew Broadus
Lauren DuVal Donofrio
Gäeten Gerville-Reache
Jason Killips
Marcy Stepanski
Joann Geha Swanson (ex-officio)

Call to Order. 2:10 pm. All votes taken are pursuant to the majority vote of the members.

I. Welcome.

Judge Ronayne Krause, Michigan Court of Appeals
Larry Royster, Chief Clerk, Michigan Supreme Court
Jerry Zimmer, Chief Clerk, Michigan Court of Appeals

Jerry Zimmer stated that the COA is working on the e-filing system.
Barb noted that there will be a session on e-filing at the Bench Bar Conference.
There was a general discussion concerning the new Appendix Rule. Send comments to the Court Rules Committee.

Liisa commented on the newly amended Final Order Rule in post-judgment custody cases. How is the Court going to be interpreting this? There was a quick survey of cases dismissed since January 1, 2019.

II. January 2019 Minutes:

Drew took the minutes. Barb moved to approve. Jerry seconded. Approved

III. Treasurer's Report. Stephanie Simon Morita

Stephanie said that there are issues re: telephone conference charges. We have not been charged for the last quarter. We are \$1,000 under right now in terms of dues from last year - but \$5,000 over in generally from last year. Bench Bar totals are \$3,000. Current balance: \$2,000. There is no estimate for missing phone charges.

IV. Committee Reports.

A. Court Rules - No report. The committee is looking at appendices rule.

B. Court Liason - Brad Hall - restarting discussion on access to public pleadings. Larry Royster stated that Justice McCormick supports this generally. There are confidentiality issues. This was apparently never an issue with West requests for certain types of cases: family, termination, PPOs. Basically, this is a question of resources. The Court is currently rewriting the case management system. We discussed having a meeting re: public access. Currently - pleadings/briefs may be requested by phone or letter request. 50 cents per page.

Judge Ronayne Krause said that the Court is feeling the decrease in judges. Pressure on the judges. There was a discussion concerning hyperlinks and continuing security concerns. Also. If exhibits are filed separately through True Filing, they are downloaded for each judge on a panel.

Re: The Court is not defecting for appendix rule issues/violations at this time.

C. Publications

February 22, 2019 - next publication deadline

June 15, 2019 - deadline for following publication.

D. Technology. Barb Goldman

No decision yet re: SBM Connect and Modern (phase out is quick)

E. Fed. Practice - Richard Kraus.

No report.

F. Legislative. Graham.

New legislature. No public acts yet. Honeymoon over.

G. Good Deeds. Ann Sherman

Looking at dates in February 2019. Discussed April 20, 2019 - Saturday. 4:30 pm.

H. Economics of Appellate Practice.

No report.

I. Annual Meeting.

There will be no annual meeting or program as part of the SBM's Annual NEXT Conference. See New Business, *infra*, discussing State Bar's recent decision.

J. Appellate Bench Bar.

February 23, 2019 – Saturday, is date for moderator and reporter training in Novi. We need to publicize Bench Bar - attendance is a bit low. Bridget agreed to send out a message to the Section members. Lifetime Achievement Award - Judge Talbot. Discussion of ordering a plaque.

K. Ad Hoc E-Briefing: Scott Bassett.

Time to dust off and move forward. Scott will resend the Committee position to be reviewed by Council.

L. Membership.

Volunteers needed to make membership calls. Contact Ann Sherman.

M. Website - E-Journal link: Joe.

No report.

New Business:

Annual Meeting. The State Bar has decided that sections can no longer hold their annual meetings or programs as part of the SBM's annual NEXT Conference. As a result, we will need to find a new venue and amend our by-laws. Brad is working on the annual program. Bridget said she would inquire as to whether we could hold our annual meeting and program at same venue, if we did so separately – to help with attendance. We are checking to see if the State Bar would allow that. Another venue option would be at the SBM building. There would be free rooms there, but max. capacity would be 65 persons. We could also combine our meeting with other sections - Family, Trial Lawyers, Probate, Criminal, etc... We can get ideas from Appellate Bench Bar conference. Lansing is also a potential site. Richard offered the use of space at Foster Swift *gratis*. We left open the possibility of combining with other sections - it might be difficult for this year – but maybe next. Bridget and Brad will follow up.

Amending the Bylaws.

There was a discussion concerning amending Section 7.1 of the Section Bylaws.

Proposed Language will be submitted for the next meeting by Bridget.

Nominating Committee.

This item was tabled to March, to give Council members a chance to review the letters of interest and resumes that will be included within the next agenda packet.

Young Lawyers Section. Email request for our section to participate in the YLS Annual Summit. Conflicts with Petoskey meeting.

Unfinished Business.

Brad will address the conflict with the State Bar concerning ADM File. No. 2017-17.

Next Meeting.

Friday, March 15, 2019, at 2:00 p.m.
SADO's offices in Detroit

Meeting Adjourned: 4:09