

**APPELLATE PRACTICE SECTION**  
**Kerr, Russell & Weber, PLC, 500 Woodward Avenue, Detroit, Michigan**  
January 17, 2014

*Council Members Present:*

Jill Wheaton (Chair)  
Nancy Dembinski (Chair-Elect) by tel  
Stephanie Morita (Treasurer)

Anthony Caffrey by tel  
Barbara Goldman  
Bridget Brown Powers by tel  
Geoff Brown  
Graham Crabtree by tel  
Jerry Posner  
Joanne Geha Swanson  
Judith Curtis by tel  
Larry J. Saylor  
Lauren DuVal Donofrio by tel  
Liisa Speaker (ex officio) by tel  
Marilena David-Martin  
Phil DeRosier (Immediate Past Chair)  
Richard Kraus by tel  
Vic Valenti

*Excused Council Member Absences:*

Beth Wittmann (Secretary)  
Gaetan Gerville-Reache  
Liz Sokol  
Megan Cavanagh (excused ex officio)

*Unexcused Council Member Absences:*

Ron Lederman  
Stuart Friedman

**I. Welcome and Call to Order: Meeting called to order at 2:07 p.m.**

**II. Approval of Minutes**

In section IV. L. change “legislative sources” to “legislative services”. Barb moved for approval with correction. Marilena seconded. Approved unanimously.

**III. Treasurer’s Report**

The financial report for the month ending December 31, 2013 was presented. We had \$16,450 in dues payments. Our ending fund balance was \$32,046.82. The approximate \$100 discrepancy noted last month has been cleared up.

**IV. Committee Reports**

- A. Court Liaison/Rules Comment - (Ron/Vic) - no report.
- B. Michigan Court Practice - (Beth/Joanne) – no report.
- C. Publications - (Nancy/Liz/Bridget) – Newsletter should be going out soon – but a little later than usual. Currently, the next deadline will be April 7. *Liz will be asked to send out a revised deadline because of the delay.*
- D. Technology - (Barb/Geoff) – no report.

E. Federal Practice - (Jill/Richard) – no report.

F. Legislative Action - (Graham)

Not much of any interest going on because of the budget focus, and then elections. Lauren reported new legislation related to Miss Dig which creates a new right of appeal from the MPSC. There may be an effect on the Court of Appeals' docket because of the number of cases.

G. Good Deeds - (Marilena/Joanne) – Marilena and Joanne asked for organizations for good deeds. They are suggesting Ronald McDonald House and a homeless shelter (food serving) – both of which are in Detroit. *If you have another organization closer to where you are that you would like considered, let them know.*

H. Economics of Appellate Practice - (Judith/Liisa) – Proposed a seminar on virtual offices or e-filing – but not committed to either topic. Timing was the issue – fall 2014 or spring 2015. Lauren volunteered to be on the committee. *Jill will follow-up on the e-filing issue and when it looks like it will be coming out.*

I. Ad hoc Committee on Record Production - (Judith/Geoff/Gaetan) – no report.

J. Annual Meeting (Nancy) – Time of the annual meeting has not been finalized yet. Need a topic. Ideas relating to e-filing, tricks relating to e-filed briefs, building your book of business through social media (e.g. LinkedIn and Twitter), and ethics issues relating to social media were discussed.

K. Bench Bar (Barb/Liisa/Bridget) – There is a meeting next month.

L. Ad Hoc Committee on Probate Appeals (Liisa/Gaetan/Ann Byrne) – On page 12 of the packet is the letter which was written in response to the vote taken last month. *Liisa will keep us up to date on how the matter is progressing.*

M. Ad Hoc Committee on Court of Claims Appeals (Liisa/Richard/Graham) – Graham reported he has not heard whether any Court Rules have been proposed. Do we want to wait until they are proposed? *Jill suggested the committee could propose rules, if needed.*

## V. New Business

A. Letter from Judge Stephens, co-chair of State Bar Diversity and Inclusion Advisory Committee – This matter was discussed. Please be aware of this when asking people to get involved in the Section.

B. Funeral Services for Justice Patricia Boyle – Arrangements are set forth on page 8 of the packet. *Geoff moved, Vic seconded, to donate \$500 to Neighborhood Legal Services in the name of Justice Boyle. Approved unanimously.*

C. ABA Client Counseling Competition – Judges needed, attorneys and non-attorneys needed. Friday, February 7, 2014 in the afternoon.

## VI. Unfinished Business

A. **Request for amicus brief in *Okrie v State of Michigan***

Petition challenging constitutionality of the legislation changing the jurisdiction of the Court of Claims to the Court of Appeals. Member of the APS who filed petition requested Council file an amicus brief in support of petition. Council discussed whether should get involved and what points we could concur in if we decided to get involved. Council decided without motion that should wait to see the response to the Petition. *The State has asked for an extension of time until the end of the month to respond to the Petition, so we should be able to discuss this next month.*

B. **Probate Appeals Project.** See IV. L. above.

C. **Joint event between APS and Taxation Section.** Jill said she would indicate that we are not interested in putting on the seminar, but we would help find speakers or assist them.

D. **Proposed amendment of MCR 2.315** (video depositions)

Will discuss in February when Beth sends a new draft for review.

E. **House Bills 4064 and 4532. As to 4064:** A lot has been taken out of the bills which are now public acts. As passed, the question is whether there is anything of concern. Question: Does the SCAO welcome our input as to procedures? Liisa indicated that they have welcomed our help in the past. *Jill will contact the appropriate person to see if we can have representation on the committee. As to 4532: Jill asked Liisa to look at this to make sure there weren't any issues.*

**VII. Next Meeting/Adjournment**

Friday, February 14, 2014, at 2:00 p.m. in Lansing at a place TBD (either the Hall of Justice or Foster Swift).

**Jerry** moved and **Geoff** seconded. The meeting was adjourned by acclamation at 3:12 p.m.