

**MINUTES OF THE MEETING OF THE COUNCIL OF THE
REAL PROPERTY LAW SECTION
OF THE STATE BAR OF MICHIGAN**

JULY 12, 2019 AT 12:00 PM

**Boyne Mountain
Meeting at Noon – Vienna B**

A meeting of the members of the Council of the Real Property Law Section was called to order at approximately 12:09 PM. Chairperson LaMont confirmed that a quorum of voting members was present.

Present:

Council Members – In Person (Boyne Mountain)

Catharine B. LaMont (Chair)

Brian P. Foley

John D. Gaber

Gregory J. Gamalski

Jessica A. Hallmark

Thomas A. Kabel

Lorri B. King

Jason C. Long (CLE)

Michael A. Luberto

Brandy L. Mathie

Dawn M. Patterson

J. Scott Timmer

Roxana Gale Zaha

Past Chairs

Lawrence M. Dudek

Brian P/ Henry

Ronn S. Nadis

David E. Nykanen

Ronald E. Reynolds

Kim Shierk

Lawrence R. Shoffner

Section Administrator

Karen Schwartz

Other

Abby H. Cooper

Nicholas P. Scavone, Jr. (Immediate Past Chair)

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Introductions/Announcements:

Chairperson LaMont welcomed new council members Brian Foley and Jessica Hallmark. She also welcomed back CLE Chair Jason Long and LTS Committee Liaison Brian Page.

Chairperson LaMont welcomed Commercial Development, Ownership and Finance Special Committee member Abby Cooper.

Approval of Minutes:

Chairperson LaMont proposed unanimous consent of the minutes from the May 15, 2019 Council meeting. No members raised an objection, so the Motion passed unanimously.

Consent Agenda:

Chairperson LaMont proposed unanimous approval of the Consent Agenda as to the following reports: Administrative, Committee on Committees, Membership Committee, Pro Bono Committee, Publications Committee, Sponsorship Committee and Technology Committee. Nobody raised objections so the Motion to approve and receive the Consent Agenda without discussion passed unanimously.

Standing Committee Reports:

The following Standing Committee reports were discussed:

Budget and Finance Committee:

Tom Kabel submitted the Budget and Finance Committee Report for review and discussion by the members.

Mr. Kabel then specifically mentioned the following items:

- We had projected a loss for the fiscal year of \$87,725, but we are now projecting around a \$20,000 loss Groundbreakers had a loss of \$1800.
- Membership has continued to decline. Mr. Kabel has included the numbers in his report.

Continuing Legal Education (CLE) Committee:

Jason Long submitted the CLE Committee Report for review and discussion by the members.

Mr. Long then specifically mentioned the following items:

- The current Summer Conference is going well. 150 registered this year. We are staying steady with our attendance numbers for the summer conference. Next year's summer conference chairs are Roxana Zaha and Brandy Mathie. It will be back on our regular week. (This year our Summer Conference dates were a week earlier.)
- The "2020 Real Estate Outlook" program will take place on October 17, 2019 at the DAC. Robert A. Dye, senior vice president and chief economist at Comerica Bank was secured as the keynote speaker. \$500 is within budget to approve lodging and transportation from west side of state to Detroit for this speaker. No one raised objections to these speaker costs. There was discussion that we may have people outside of our organization for this program, such as Comerica employees and the professionals who work with them. We will need to try and allocate enough roundtables to account for the attendees. The CLE committee is considering marketing to non-lawyers. Larry Dudek suggested that a panel may be more appropriate for this event. Dave Nykanen and Cathy LaMont liked the idea of the panel. Cathy LaMont mentioned that attendees are motivated to go where their customers are. Greg Gamalski inquired as to whether there is a way to encourage people to invite other people. We can submit final numbers to the venue by the September council meeting. However, we should have the numbers by August so we can further promote and plan for this program. Kim Shierk commented that we are providing a service to members who pay us and we should use caution

regarding offering a promo rate to non-members. Nick Scavone mentioned that a client based/business networking event gains more numbers than pure CLE. We do not know how many people will register. Some may be motivated based on marketing objectives.

- Cathy LaMont & Dave Nykanen quoted Article 1 of our Bylaws: “...to promote throughout the State of Michigan the legal education of member of the Bar and the public on Real Property Law by sponsoring meetings, institutes and conferences devoted to Real Property Law....”. Mike Luberto mentioned that we should get some clear direction for Jason Long and Scott Lesser since this is right around the corner. We can always decide in the future if we want to open this up to more people for next year. Cathy LaMont suggested that we can include mention in the direct advertisement contact with attorneys that they are welcome to register and bring a client to this program.
- Jason Long mentioned that the committee is looking to revamp Homeward Bound. There has been discussion of having one program instead of three. We can’t have a 3-hour block with presenters and only 20 people in attendance. It is not sustainable. We targeted January for this Homeward Bound. Larry Dudek mentioned that there used to be 85 people/8 times a year when he was CLE chair. Cathy LaMont mentioned that the networking element is missing with the remote learning. She also mentioned that the Academy is differentiated because attendees are often compelled to attend, making their attendance/registration not completely voluntary. Cathy LaMont suggested talking with law firm practice group leaders. Brandy Mathie thought was a good idea to add a cocktail hour/networking. She believes it may be a beneficial way to engage younger peers who grew up with digital media. Jessica Hallmark mentioned that when we were working with ICLE, we were bringing in more people across the state. If you are looking for a bigger group to draw in, we need to determine which groups are we looking to focus on: solos, potential clients and associates at large firms?
- Cathy LaMont attended a leadership summit at the State Bar and mentioned that all sections are dealing with this challenge.
- Dave Nykanen stated that if you want people to appear in person, you must differentiate the program from a webinar.
- Cathy LaMont summarized 3 ideas mentioned: cocktails, networks with clients, and workshops
- The Homeward Bound on January 16, 2019 will be located in the MSU Auditorium. MSU can accommodate a cocktail hour & have a videographer available.
- Brandy mentioned how much attendees enjoy the legal / legislative update and suggested offering it twice a year. Jason Long mentioned that maybe the second Homeward Bound can be the legislative/legal update. Ronn Nadis suggested adding a workshop element to the Winter Conference. Learning actively can be very effective. Dave Nykanen indicated that the workshop could be done at multiple levels of skill. You can hand out scripts in make it experiential.
- Erica Payne will be the chair for the Winter Conference.
- Jason Long reported that the second round of the Real Property Law Academy (I and II) is on track to begin with the 2020/2021 fiscal year. Jason Long requested an Academy program chair. Mike Luberto volunteered for the position. His offer to chair was immediately accepted. This position is for a 3-year term.
- Jason Long mentioned that the committee would like to get a Podcast launched.

Legislation Committee:

Greg Gamalski submitted the Legislation Committee Report for review and discussion by the members. In particular, Mr. Gamalski noted that we may want to take positions on a few bills:

- 1) The Legislation Committee recommends that we oppose the blight bills known as House Bill 4123 and House Bill 4699.
 - a. A Motion made by Greg Gamalski to oppose the proposed legislation set forth as HB 4123 and 4699 for the reasons stated in the Memorandum dated June 21, 2019 from David Pierson ("Memorandum"). The Motion was duly seconded by Tom Kabel. Discussion was held. This proposed legislation allows a lien to attach to any property held by taxpayer in the jurisdiction of the state, even future acquisitions. Greg Gamalski mentioned there may be due process considerations. This proposed legislation appears to be an extreme response/remedy. The council decided to take a position based on concerns of due process and the reasons set forth in the Memorandum. A vote was held by the members of the council present. 14 members supported the motion to take a position to oppose House Bill 4123 and House Bill 4699. The vote was unanimous. **The Motion was approved with 14 in favor, 0 against with 0 abstention out of 14 voting members in attendance of a total of 17 voting members.**
- 2) The Legislation Committee recommends that we oppose House Bill 4676 and House Bill 4677.
 - a. These bills essentially attempt to bar certain noisome restrictions related to race, religion and sexual orientation, etc. which is a laudable goal. The proposed legislation in these bills would permit the Registers of Deeds in each county to analyze and alter documents to strike provisions. The council decided to take a position based on the reasons set forth in paragraph 3 (b) of the Legislative Report dated July 8, 2019 from Greg Gamalski. A Motion made by Greg Gamalski to oppose the proposed legislation set forth as House Bill 4676 and House Bill 4677. The Motion was duly seconded by Tom Kabel. A vote was held by the members of the council present. 14 members supported the Motion to take a position to oppose House Bill 4676 and House Bill 4677. The vote was unanimous. **The Motion was approved with 14 in favor, 0 against with 0 abstention out of 14 voting members in attendance of a total of 17 voting members.**

Old Business:

None

New Business:

- a. Nick Scavone has secured authors for the RPLS Theme Issue of State Bar Journal in 2020. He also has an alternative author, Brian Henry on the topic of e-recording and e-signing, if needed.
- b. Ron Reynolds discussed the sponsorship issue regarding waiving sponsor registration fees. Ron Reynolds received a complaint from a sponsor that the registration fee should be included with the sponsorship. The members did not indicate that we should change the current sponsorship format at this time.

Chairperson LaMont reminded everyone that the next Council meeting would take place at Noon on Wednesday, September 11, 2019, at Butzel Long, 41000 Woodward Avenue, Bloomfield Hills, Michigan.

Chairperson LaMont adjourned the meeting at 1:10 p.m., after a Motion to adjourn was made and thereafter approved by unanimous consent.

Respectfully submitted,

A handwritten signature in blue ink that reads "Dawn M. Patterson". The signature is written in a cursive style with a large, stylized 'D' and a long, sweeping underline.

Dawn M. Patterson, Secretary