

COUNCIL MEETING MINUTES

November 24, 2020 – 3:00 p.m.

Meeting held by Zoom due to executive order by Gov. Gretchen Whitmer related to coronavirus.

Call to Order –Fraser at 3:05 p.m.

Roll Call (+ indicates present)

Council

Abel+

Arnold+

Block+

Fraser+

Grow+

Hendricks+

Jocuns+

Komorn+

Lavigne+

Loker+

Morris+

Thurin

Additional Attendees:

Jennifer Hinze

Jeff, Kirkey, ICLE

OPEN ISSUES:

Tom moved to approve the minutes; Devin Loker 2ndd motion to approve minutes.

John Fraser wants to implement the plans we make during council meetings through Committees of Section Members, chaired by Council Members. Utilizing a committee approach is needed to get more things done. Re consolidation of MMFLA and MRTMA bill MLS committee did a good job reviewing and commenting on the bill; It has been working well, and this committee approach works well once they are up and running. This way Council can focus on the more nuanced aspects of the various committee reports.

Allison and Jeff re the 2021 Soaring Eagle. They had promised and not delivered the Contract for 2021. Short staffed. Next week Jeff and Allison will schedule a January schedule planning session for the September conference.

2020 recap of annual conference. Additional content got published so an additional post of the content needs to be shred on the list serv. All sessions are now available. 89 registrations of Livestream and that has not changed yet. ICLE sale \$25 off may generate new registrations. Reg plus sponsor. Sales: \$29,175 Expenses: \$4,800. Other costs: \$19,813. ICLE will likely be writing a check to MLS for approx.: \$9,400+.

Do we send something like a small token of thank you to all of the speakers. Other sections do it. Dan Minkus has done this successfully for Biz Law Sec. ICLE is giving staff holiday Yeti Coffee Mugs for \$30 branded.

We contracted with ICLE for 2 more years.

Committee Reports:

Legislative/Court Rules Committee met every week and received thoughtful feedback from the members, and the committee will prepare a report to hand over to the legislature. Grow believes we have really earned our place at the table with the legislature. Our Section needs to use this committee approach to get done what we want to get done. We have over 800 lawyer members so we can leverage that.

NEW ISSUES:

Bylaws changes are approved. Including name change: Cannabis Law Section
Filling 3-seats on the Council. Let's form a nominating committee. Hold a special meeting Dec. 15th to vote and fill those 3-seats, including accepting nominations from the floor. This can open the leadership council to new people who want to contribute.
Hendricks wants to suggest we email John our practice types so we can nominate a diverse enough practice types.

MRA lawyers would be a good add to leadership council.

Nominating Committee are the Officers: John, Allison and Tom and 2 other volunteers. John will ask for basic info of those interested in serving on leadership council; one paragraph as to why on council; send that to Nominating committee; also take nominations from the floor. Diversity on Council would be good. Shelly Edgerton is interested in council. Michelle Donovan interested in council emphasis is real property law. John will email Section Listserv for leadership council nominations. Need to Form Nominating Committee: Dan Grow; Barton Morris.

Motion to add 3 new leadership council members and to set a special election December 15th to elect those new council members. Allison Motioned 2nd by Daniel Grow.

Publication Ideas for State Bar Journal

PROPOSED TITLE/SUBJECT	AUTHOR
Dormant Commerce Clause & how it could affect state cannabis regulations and open up the industry to interstate commerce	Scott Roberts
Intellectual property and brand management in cannabis business	Steve Glista
Will regulated weed lead to more "New Coke"	Shyler Engel
ADR and mediation – also offered to do a January seminar	Jason Horton
Cannabis business investing/lending/finances	Clara Seymour

Hemp/CBD regulatory and compliance	Michelle Donovan
**Sent an email stating interest but never followed up with topic	Lisa Dwyer

Allison could write something re criminal penalties under MRTMA Sec 15 and 4.

Commerce Clause - Scot Roberts

The New Coke - Shyler Engle

MICHELLE DONOVAN. HEMP AND CBD

Maybe we do a webinar re:

Other article ideas: DeRuiter remains to be an issue. Zoning issues.

Committee List:

Administrative Rules

Amicus

Legislative/Court Rules

Philanthropy/Social Equity

Social

Webinar

Young Lawyers

Each Committee should have a Council Member as a Chairperson.

As matters arise, we can refer them to appropriate committee. The Chairs can fill their committee as they see fit.

John received lots of Members wanting to volunteer on committees. We will await to assign chairs until the 3 new council members come aboard in Dec.

Discussed Committee List. Any gaps or overlap? Amicus often comes down to a sole volunteer writing a brief, in Dan's experience. We should try to avoid that with advance planning. Committees may be a special project committee, except the webinars committee. Admin Rules Committee could be proactive to change bad rules. By having council members leading the committees we can keep them productive. This is a good way for council members to contribute.

Combine: Administrative Rules with Legislative/Court Rules?

Barton: Define the role of each committee more clearly.

John on the other hand wanted to give lots of leeway to chairpersons.

Email to list serv, if you want to serve on this committee email this person, etc.

Jenn Hinze will co-lead the webinar committee.

Let's leverage Jenn Hinze's skills and define her role broadly enough.

Allison mentioned we could have a standing request for amicus and then go on a case by case basis? It would be good to have a Chair to evaluate cases. Amicus gives a short window in which to file a brief.

CALENDAR:

MLS Calendar for 2020-2021

**Continuing with Council meetings on the third Tuesday of the month at 3 pm via Zoom unless calendared for a different date.*

November 24, 2020 at 3:00 p.m.	Council Meeting
December 15, 2020 at 3:00 p.m.	Special Meeting of the Section
December 22, 2020 at 3:00	Council Meeting
January 19, 2021 at 3:00 p.m.	Council Meeting
January ?, 2021	Webinar on ADR and Mediation (Jason Horton)
February 16, 2021 at 3:00 p.m.	Council Meeting
March 24, 2021 at 3:00 p.m.	Council Meeting
April 20, 2021 at 3:00 p.m.	Council Meeting
May 18, 2021 at 3:00 p.m.	Council Meeting
June 15, 2021 at 3:00 p.m.	Council Meeting
Sept. 3, 2021 Labor Day	NMU Seminar? Marquette
July 20, 2021 at 3:00 p.m.	Council Meeting
August 17, 2021 at 3:00 p.m.	Council Meeting
September 23-25 Eagle in Mt. Pleasant	Annual Council Meeting/ Annual Conference at Soaring
October 19, 2021 at 3:00 p.m.	Council Meeting
November 16, 2021	Council Meeting
December 21, 2021	Council Meeting

OTHER EVENTS:

Add Monthly webinars?

CLE with MIAOWIA and/or CDAM?

Don't plan in-person events until 2022. Cancel Kensington.

Send NMU about a one-day seminar approximately before or after labor day NMU.

Thursdays or Fridays at 4 pm or Noon, lunch with the bunch for webinars; except Fridays.

Hold webinars every 2nd Wednesday of each month at Noon.

Sept. 3rd for NMU seminar.

People who had volunteered an article that did not get picked can do webinars.

2022 contract for Traverse City being reviewed.

2023 annual meeting Look at 3 or 4 venues including Detroit Y Club, JW Marriot, Detroit casinos? Who may be hurting with covid19. Jenn can start looking at rates.

We can do an ad hoc webinar for new significant content as it arises.

Barton Morris. Court of Appeals opinion extracting w/butane charged with mfg mj. 4-yr felony. Affirmative defense if doing it for personal reasons, only preparation, not processing. Issue is not whether it was butane. The court ruled that because MRTMA did not allow it, when changing the form of MJ it constitutes mfg. Even vaping it would be considered mfg. He was outside of MRTMA. Sec. 5 let's you process MJ; but Sec. 4 limit re butane restriction. Offense occurred pre-dating MRTMA. Interpreted mfg. crime wrong. This opinion could be used to make any mj extraction a felony. Amicus?

Rudy Gammo got sentenced to prison for running a dispensary with Detroit permit with caregiver supply, like all of the other dispensaries. Oakland County prosecutor had it out for Rudy Gammo. Gammo got COVID19 in prison and his son now has leukemia. New Oakland Cy prosecutor and Dana Nessel voiced support of Gammo. Barton Morris will send out an email re Rudy Gammo.

Can we order swag and set a budget re swag for annual speakers? \$1,000 budget. We probably have \$130,000 in our account. We can gift the speakers from what we buy with the \$1,000.

Dan moved to form a \$1,000 Bruce 2nd the motion; motion adjourned. Bob Hendricks congratulations: NEW NAME: CANNABIS LAW SECTION

Motion to adjourn 2nd by Abel. Passed.